

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

1:16-CV-03088-ELR

DAVID ACKERMAN

August 31, 2022



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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

United States of America,

No.

1:16-CV-03088-ELR

Plaintiff,

vs.

State of Georgia,

Defendant.

~~~~~  
VIDEOTAPED DEPOSITION OF

DAVID ACKERMAN

AUGUST 31, 2022

8:49 a.m.

U.S. Attorney's Office, 22 Barnard Street, Suite 300

Savannah, Georgia

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

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Allison Ewers (via Zoom)

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1                   THE VIDEOGRAPHER: Today is August the 31st,  
2 2022. It's now approximately 9 -- 8:49 a.m. We are here  
3 in the matter before the United States District Court,  
4 Northern District of Georgia, Atlanta Division, United  
5 States of America versus State of Georgia, Civil Action  
6 Number 1:16-CV-03088-ELR.

7                   If everyone from my left -- to my right around  
8 the table would identify themselves for the record and  
9 say whom they represent, and then we will go with the  
10 people on the videoconference line.

11                  MR. DENNISON: Brian Dennison. I'm here as the  
12 assistant school board attorney for the Savannah-Chatham  
13 County Public School System.

14                  THE WITNESS: David Ackerman, the GNETS  
15 director and principal over at Coastal Georgia.

16                  MR. HOLKINS: Patrick Holkins for the United  
17 States.

18                  MS. BERRY: Jessica Berry, United States.

19                  THE VIDEOGRAPHER: Would people on the  
20 videoconference line identify themselves for the record,  
21 please.

22                  MS. JOHNSON: Yes. This is Melanie Johnson  
23 from the State of Georgia. I'm also here with my  
24 colleague, Danielle Hernandez, on behalf of the State as  
25 well.

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1 MS. TAYLOE: Laura Tayloe for the United  
2 States, and my colleague Sandra LeVert is joining us as  
3 well.

4 THE VIDEOGRAPHER: Okay. Would the court  
5 reporter please swear the witness.

6  
7 DAVID ACKERMAN,  
8 called as a witness herein, having been first duly sworn  
9 by the shorthand reporter to speak the truth and nothing  
10 but the truth, was examined and testified as follows:

11  
12 EXAMINATION

13 BY MR. HOLKINS:

14 Q Good morning, Mr. Ackerman.

15 A Good morning.

16 Q Mr. Ackerman, could you please spell your full  
17 name for the record.

18 A Sure. David, D-a-v-i-d; last name Ackerman,  
19 A-c-k-e-r-m-a-n.

20 Q Thank you.

21 So before we start with the questions, I'd like  
22 to just walk through some instructions and give you a  
23 sense of what's going to happen today. So I expect to  
24 use most of the day, but we will be taking regular  
25 breaks, at least every 90 minutes. We can take breaks

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1 more frequently if you need to. Just let us know.

2 And that goes to counsel, as well. If you need  
3 to take a break, we can go off record. I would ask that  
4 if there is a question pending, that you first answer the  
5 question before we take a break.

6 Would that be all right?

7 A Yes, sir.

8 Q So as you can see, we are recording this  
9 deposition both by text and by video. Just to make the  
10 transcript and the record clear, please let me finish my  
11 questions before you start your answers. Would that be  
12 all right?

13 A Yes.

14 Q Please also answer with yes or no rather than  
15 shaking your head or nodding your head.

16 Is that all right?

17 A Yes.

18 Q If at any point you don't understand a question  
19 and it would be helpful for me to clarify the question,  
20 please let me know, and I will do that.

21 A Okay. Thank you.

22 Q Do you understand that your testimony today is  
23 under oath?

24 A Yes, I do.

25 Q Is there any reason at all today why you would

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1 not be able to answer my questions truthfully?

2 A There is no reason.

3 Q So the next thing I'd like to do is just walk  
4 through some abbreviations that I may use over the course  
5 of the deposition just to make sure that we're on the  
6 same page.

7 A Okay.

8 Q If I reference "GaDOE," will you understand  
9 that means the Georgia Department of Education?

10 A Yes, I do.

11 Q And when I reference "GNETS," do you understand  
12 that to mean the Georgia Network for Educational and  
13 Therapeutic Support?

14 A Yes, I do.

15 Q Do you understand "BIP" to stand for behavior  
16 intervention plan?

17 A Yes, I do.

18 Q And do you understand "FBA" to mean functional  
19 behavioral assessment?

20 A Yes, I do.

21 Q And if I use the term "PBIS," do you understand  
22 that to mean Positive Behavioral Interventions and  
23 Supports?

24 A Yes, I do.

25 Q If I use the term "MTSS," will you understand

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1 that to mean Multi-Tiered System of Supports?

2 A Yes, I do.

3 Q I may use the abbreviation "CSB." Will you  
4 understand that to mean Community Service Board?

5 A Yes.

6 Q If I use the term "DBHDD, will you understand  
7 that is a reference to Georgia Department of Behavioral  
8 Health and Developmental Disabilities?

9 A Yes, I do.

10 Q And will you understand that "DCH" means the  
11 Georgia Department of Community Health?

12 A Yes.

13 Q And then "LEA" means local education authority?

14 A Yes.

15 Q "RESA" means Regional Educational Service  
16 Agency?

17 A Yes.

18 Q And then finally, "CGAC (sic)," Coastal --  
19 Coastal Georgia Comprehensive Academy?

20 A Yes, I do.

21 Q So we are going to show our first exhibit.  
22 Give me one second. So this is going to be 398.

23 (Deposition Exhibit 398 was marked for  
24 identification.)

25 Q BY MR. HOLKINS: Mr. Ackerman, you have just

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1 been handed what we are marking as Exhibit 398. You can  
2 take a moment to review the document. Let me know when  
3 you are finished.

4 A Yes, I am -- I am good with it.

5 Q Thank you.

6 So this is a subpoena served by the United  
7 States for you to appear for this deposition, correct?

8 A Yes, I understand.

9 Q Have you seen this document before today?

10 A Yes, I have.

11 Q Who showed this document to you?

12 A Mr. Dennison.

13 Q And before today had you heard about this case?

14 A Yes.

15 Q And what's your understanding of what this case  
16 is about?

17 A My understanding, that the -- the federal  
18 government is investigating the State of Georgia over the  
19 establishment of the GNets programs.

20 Q And what informed that understanding?

21 A I have had a -- previous information from --  
22 from -- from the -- from administrators in the past when  
23 I wasn't in this position keeping us abreast of the  
24 information that was going on, and -- and then certainly  
25 over the last course of the year with the subpoenas of

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1 the documents being requested and then the site visit in  
2 the spring.

3 Q And when you reference past administrators, who  
4 are you talking about?

5 A Administrators from my school, from -- from  
6 Coastal Georgia.

7 Q So your predecessor?

8 A Yes.

9 Q That's Steve Derr?

10 A There was -- there was a short changeover with  
11 Dr. Andrea DeShazo as well.

12 Q And what did you discuss with those individuals  
13 about this case?

14 A I -- I have never discussed anything with them  
15 about the case, just aware of them presenting it to  
16 staff, information about updates.

17 Q Okay. And what kind of updates would they  
18 share to staff about this case?

19 A General information about basically what I  
20 said, that the -- the federal government is in a lawsuit  
21 against the State of Georgia, and if there is any  
22 developments that are affecting us, they would let us  
23 know.

24 Q And did they let you know about any  
25 developments that were affecting Coastal Georgia

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1       Comprehensive Academy?

2           A     At that time, there was nothing more than just  
3 where it was, where the case was.

4           Q     Have you -- are you aware that the Robbins Firm  
5 represents the State of Georgia in this matter?

6           A     Yes, I am aware of that.

7           Q     Have you had any conversations with attorneys  
8 for the Robbins Firm about this case?

9           A     No, I have not.

10          Q     Have you had conversations with any State  
11 employees regarding this case?

12          A     No, I have not. Like in the general term, like  
13 awareness of it, but not -- not specifics.

14          Q     In -- in those general conversations --

15          A     Sure.

16          Q     -- regarding the awareness of the case, with  
17 whom did you speak at -- at the State about that?

18          A     Just like at GNETS meetings, just updates.

19          Q     Would that be -- would those be meetings that  
20 Vickie Cleveland is participating in?

21          A     Yes. Yes, I would assume so.

22          Q     So you've spoken with Vickie Cleveland about  
23 this case?

24          A     I have not spoken to Vickie Cleveland  
25 specifically about this case, no.

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1 Q Has she presented at GNETS meetings about this  
2 case?

3 A She has not presented about this case, no.

4 Q But the topic has come up?

5 A There have been questions from the GNETS  
6 directors, correct.

7 Q What kinds of questions?

8 A Just wanting to know where the State stood on  
9 the situation.

10 Q And what information did Ms. Cleveland share in  
11 response to those questions?

12 A It was not -- it was, we will update you when  
13 information becomes available, pretty much.

14 Q And have any updates been provided?

15 A We have not gotten any specific updates on  
16 what's going on, no.

17 Q So we can put aside 398.

18 A Yes, sir.

19 Q Mr. Ackerman, have you ever been deposed  
20 before?

21 A No, sir, I have not.

22 Q Have you ever been a plaintiff or a defendant  
23 in a lawsuit?

24 A No, sir, I have not.

25 Q I'm going to ask you a couple of questions

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1 about your preparation for this deposition.

2 A Yes, sir.

3 Q I want to make it clear that I am not going to  
4 ask you to reveal the substance of any communications you  
5 had with counsel --

6 A Yes, sir.

7 Q -- in preparation for the deposition.

8 What did you do to prepare for today's  
9 deposition?

10 A I -- I did meet with counsel. I took a -- a  
11 reminder of the previous subpoena for the documents to  
12 understand, just kind of a refresher. That was about a  
13 year ago -- to remember what documents were provided.  
14 Looked over those documents a little bit, and -- and --  
15 and that's -- that's pretty much the extent of it.

16 Q So let's go back to the first thing you  
17 mentioned.

18 A Yes, sir.

19 Q You met with counsel?

20 A Yes, sir.

21 Q How many times?

22 A We met Thursday of last week for maybe 45  
23 minutes and then just a few minutes before we walked  
24 here.

25 Q Did you meet with anyone else to prepare for

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1 today's deposition?

2 A Did I -- I did not meet with anybody else, but  
3 I did talk with another GNETS director who had been  
4 deposed already.

5 Q Who is that?

6 A Whitney Holbrook.

7 Q Braddock?

8 A Braddock. I apologize on the name. I  
9 apologize.

10 Q And then what program does Whitney Braddock  
11 direct?

12 A I am not sure. I can't remember. Sorry.

13 Q What did you discuss with Whitney Braddock?

14 A It was a -- we were at a conference yesterday  
15 and in between just -- she told me the length of the --  
16 the deposition, and -- and just that's -- that's about  
17 all, and just a little bit what to expect as far as, you  
18 know, the -- the process, I suppose.

19 Q Did you discuss any specific questions that  
20 were posed to Whitney Braddock during the deposition?

21 A We did not discuss any specific questions.

22 Q Have you reviewed a transcript of that  
23 deposition?

24 A I have not.

25 Q Have you reviewed a transcript of any

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1 depositions taken in this matter?

2 A I have not.

3 Q And just to be clear, Mr. Dennison is  
4 representing you for purposes of this deposition,  
5 correct?

6 A Yes, sir.

7 Q Did you, in preparing for this deposition --

8 A Yes, sir.

9 Q -- talk with any of your staff at Coastal  
10 Georgia Comprehensive Academy?

11 A Did I talk with any of the staff? I -- they  
12 are aware that I am doing this deposition. As far as  
13 like specifics for it I have not, but I -- they are aware  
14 that I am here today.

15 Q To go back to what you -- you mentioned  
16 earlier. In preparation for the deposition, just to be  
17 clear --

18 A Yes.

19 Q -- you reviewed the United States subpoena for  
20 documents to Coastal Georgia Comprehensive Academy,  
21 correct?

22 A Yes, I -- I wanted to remember what was  
23 requested.

24 Q And then you also reviewed the documents that  
25 Coastal Georgia Comprehensive Academy produced in

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1 response to that subpoena?

2 A Not necessarily reviewed them. Just  
3 recognition of -- of the -- the list of questions -- or  
4 list of requests, sorry.

5 Q Okay. And did you review any other documents  
6 aside from the subpoena that we just described in  
7 preparation for today's deposition?

8 A I did not.

9 Q And that includes e-mail?

10 A That is correct.

11 Q Mr. Ackerman, you are currently employed at  
12 Coastal Georgia Comprehensive Academy, correct?

13 A That is correct, yes.

14 Q What's your title?

15 A I am the -- the principal of Coastal Georgia  
16 Comprehensive Academy.

17 Q How long have you been in that role?

18 A Since January of '21. Is that 18 months; is  
19 that right? 19 months.

20 Q So I'm going to hand you now another exhibit.

21 A Yes, sir.

22 Q This will be 399.

23 A Yes, sir.

24 (Deposition Exhibit 399 was marked for  
25 identification.)

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1 Q BY MR. HOLKINS: Mr. Ackerman, you've just been  
2 handed what we are marking as Exhibit 399. I believe  
3 this is a copy of your resume or CV. Please take a  
4 moment to review it and let me know when you are  
5 finished.

6 A Yes, sir. This is it.

7 Q To the best of your knowledge, is this  
8 accurate?

9 A Yes, sir.

10 Q No changes?

11 A No, sir.

12 Q So the resume reflects that you have been, as  
13 you described, principal of Coastal Georgia Comprehensive  
14 Academy from January 2021 to the present?

15 A Yes, sir. That's correct.

16 Q But you had previous roles at Coastal Georgia  
17 Comprehensive Academy, correct?

18 A Yes, that is correct.

19 Q When did you first join CGCA?

20 A I joined in 1996.

21 Q And what was your job when you joined in 1996?

22 A I was the PE and health ed teacher.

23 Q And then as reflected in the resume, you became  
24 program manager in 2018 in July, correct?

25 A Yes, that is correct.

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1 Q So I'd like to ask you some questions about  
2 these different roles.

3 A Sure.

4 Q I think, let's start with your first job at  
5 Coastal Georgia --

6 A Yes, sir.

7 Q -- Comprehensive Academy, and then we will work  
8 up to the present.

9 So could you describe what your duties were as  
10 a teacher at Coastal Georgia Comprehensive Academy?

11 A Yes, sir. So I -- I started off as the PE and  
12 health ed teacher. My job was to provide physical  
13 education, health education, to the students that we were  
14 serving at Coastal Georgia.

15 Q And what does physical education look like at  
16 Coastal Georgia Comprehensive Academy?

17 A It's -- our physical education classes were  
18 through the -- the guidelines of GaDOE at that time. I  
19 don't recall exactly what the --

20 THE REPORTER: Of what at the time?

21 THE WITNESS: Of GaDOE.

22 And I don't recall the specifics of, but we  
23 followed the criteria.

24 Q BY MR. HOLKINS: What kinds of activities --  
25 and let's step away from the historical question.

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1 A Yes.

2 Q Presently, is physical education offered at  
3 CGCA?

4 A It -- it is not offered in the sense of a -- of  
5 a PE teacher there. The teachers provide the PE.

6 Q So there is no PE, physical education, teacher  
7 at CGCA presently?

8 A Presently there is not.

9 Q How long has there been a vacancy?

10 A There is -- I don't know -- recall, but it's --  
11 it's been a number of years.

12 Q So since -- as long as you've been principal at  
13 CGCA, there has not been a PE teacher?

14 A That is correct, yes.

15 Q Let's go back to when there was --

16 A Yes, sir.

17 Q -- a PE teacher. What kinds of activities did  
18 you do?

19 A We did the regular. I mean, we had a -- we did  
20 a football session. We did basketball. We did  
21 volleyball, baseball. Every -- we -- we participated in  
22 all of that. We did fitness for some of the classes,  
23 regular PE.

24 Q Was this -- was this a daily segment for  
25 students?

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1 A I honestly do not recall. I do not recall.

2 Q And these activities happen on the -- the  
3 grounds of the school, correct?

4 A Yes, sir.

5 Q Did students ever travel off campus to  
6 participate in physical education activities?

7 A No, sir.

8 Q Your resume also references K to 12  
9 self-contained SEBD class. Do you see that text?

10 A Yes, sir.

11 Q What is that?

12 A So after a few years there was -- I did get my  
13 add-on degree for special education, and I did go into  
14 the classrooms, as well, for -- for a couple of years  
15 prior to -- to becoming program manager.

16 Q So let's flip to page 2 --

17 A Yes, sir.

18 Q -- and talk about your education. What is that  
19 add-on degree or certification?

20 A Is that the -- where is it?

21 Q Would it be the master's of education?

22 A No, sir. That was -- I just have it on the  
23 accomplishments, special education certification 2004 on  
24 that last page.

25 Q I see.

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1 A Yes, sir.

2 Q Thank you.

3 And what coursework were you required to  
4 complete in order to achieve a special education  
5 certification in 2004?

6 A I -- I do not specifically recall, but I know  
7 there was an exit exam that -- that I took.

8 Q Who administered that exam? Was it the State?

9 A The State, yes, sir.

10 Q Is that certification current?

11 A I do not -- I honestly don't know the answer to  
12 that. I don't think it's on my -- I don't think it would  
13 be listed on my GAPC, yeah.

14 Q After 2004, is this certification something  
15 that you had to renew on an annual basis?

16 A No, sir.

17 Q To your knowledge, you don't know whether  
18 it's -- it's current?

19 A To my knowledge, I apologize, I do not.

20 Q That's fine.

21 So sticking with your education background just  
22 for a few minutes.

23 A Yes, sir.

24 Q You attained a master's of education in  
25 educational leadership from Georgia Southern University,

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1 correct?

2 A Yes, sir.

3 Q And what coursework was required in order to  
4 attain that degree?

5 A I do not remember how many credits -- excuse  
6 me -- were required for that. It was a -- I think it was  
7 five semesters, like maybe 36 credits, somewhere in that  
8 neighborhood. Educational leadership, I don't remember  
9 all the courses. Just a general curriculum with the --  
10 with the --

11 Q Could you describe in general what you were  
12 studying in order to attain that degree?

13 A Sure. Studying the -- the process of being  
14 a -- a leader, educational leader, in the -- the field of  
15 education.

16 Q Was this specific to special education or to  
17 children with behavioral health needs?

18 A It -- it was not.

19 Q Do you have any training since 2004 when you  
20 received your special education certification that is  
21 specific to special education or the needs of children  
22 with behavioral health conditions?

23 A As far as like a second -- an additional  
24 degree, no.

25 Q Do you have any clinical training?

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1 A I do not.

2 Q In your education background there is also a  
3 reference to educational leadership certifications, Tier  
4 I and Tier III -- and Tier II. Do you see that?

5 A Yes, sir.

6 Q What's the difference between the Tier I and  
7 Tier II certification?

8 A The -- the Tier I is eligibility for like an  
9 assistant principal position. The Tier I would be  
10 eligible for a principal position and/or associate  
11 superintendent, somewhere and like further.

12 Q And are those requirements set by the State in  
13 order to become a principal or assistant principal?

14 A Yes, sir.

15 Q Are those requirements specifically set by the  
16 Georgia Professional Standards Commission?

17 A Yes, sir, I believe so.

18 Q So looking at the timing, it looks like you  
19 received a Tier II certification around the time that you  
20 became principal?

21 A That is correct, yes, and was actually working  
22 on it at the time that I became principal.

23 Q Is that a -- do you have to renew that  
24 certification?

25 A Yes, sir. There will be -- there will be a

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1 renewal coming up.

2 Q Is that annual or --

3 A No. I am not sure exactly what it is, but I  
4 believe it's like every five years or so. I'm not  
5 exactly sure.

6 Q And could you describe briefly what the  
7 requirements were to attain that certification?

8 A Sure. Certainly. The -- the Tier II was a --  
9 a process of providing three projects, so to speak, that  
10 were looking at increasing the -- the academic process  
11 of -- of students and so forth, looking for communication  
12 skills with the -- with the community. And the third  
13 one, and I can't quite remember, but the -- the three  
14 parts of that, and it was turned in for -- for assessment  
15 and so forth and --

16 Q So you --

17 A -- reviewed.

18 Q To make sure I understand, you submitted kind  
19 of a written report for review?

20 A Yes, sir.

21 Q Encompassed those three parts that you just  
22 described?

23 A Yes, sir.

24 Q Who reviewed that?

25 A It's through the -- I can't recall the -- I'm

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1 not sure. I can't recall.

2 Q But your recollection is that this is a process  
3 that's required by the State?

4 A Yes, sir. That I do know.

5 Q Moving back to page 1 of Exhibit 399 --

6 A Yes, sir.

7 Q -- under the Teacher entry, there is a  
8 reference to behavior interventionist. Do you see that?

9 A Yes, sir.

10 Q What is a behavior interventionist?

11 A In the role that I was, I was in the intensive  
12 intervention room for a number of years, and we use that  
13 as a room to -- to work with students that are having  
14 additional behavioral issues within their classroom. We  
15 work on social skill acquisition, and we work -- we try  
16 to assist them with their academics, just a little bit  
17 more of an intensive process of -- of working with the  
18 individual on trying to get them back to their classroom.

19 Q So you were essentially assigned to the  
20 intention -- intensive intervention rooms?

21 A That is correct, yes, sir.

22 Q And you were receiving children in those rooms  
23 from different classes?

24 A Yes, sir.

25 Q And were you doing that work -- let me just

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1 ask. For how many years were you in that -- acting in  
2 that capacity?

3 A Approximately six years.

4 Q About how many kids per week would you say  
5 would be coming to the intensive intervention room for  
6 these services?

7 A It -- it certainly varied tremendously on the  
8 time of year and number of students and so forth, but, I  
9 mean, just roughly guessing, I would probably serve, you  
10 know, three to five students a day.

11 Q About how long on average would those sessions  
12 last?

13 A And -- and that certainly varied based on the  
14 de-escalation of them, because certainly our objective  
15 was getting them back into their classroom and so forth.  
16 So I would say anywhere from 30 minutes to -- to 90  
17 minutes. That -- that did vary, though.

18 Q Okay. You referenced doing this for  
19 approximately six years. Do you remember when those six  
20 years were?

21 A Yes, sir. It was right before I was program  
22 manager. It was leading up into that. So maybe 2012 to  
23 2018, approximately.

24 Q Okay. So at this time, you had your special  
25 educational certification because that was in 2004,

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1 correct?

2 A Yes, sir.

3 Q Did you have any additional training?

4 A At that point I -- I had become a mindset  
5 instructor for de-escalation, and I became a -- I'm  
6 certified in LSCI, Life Space Crisis Intervention.

7 Q So let's talk about both of those things.

8 A Yes, sir.

9 Q What does it mean to be a mindset trainer?

10 A Mindset trainer is the -- the prevention and --  
11 and de-escalation of -- of behaviors. So it's -- it's  
12 the -- the concept behind it is to be proactive as -- as  
13 opposed to being reactive when dealing with a -- a  
14 student with a behavior issue, and we -- we try to work  
15 on de-escalating first and foremost in our process.

16 Q What were the requirements that you had to meet  
17 in order to become a mindset trainer?

18 A Mindset trainer, I think it was a -- the  
19 initial certification was like a four- or five-day  
20 training in person, and then there is -- and then you had  
21 to be recert yearly for your first couple of years and  
22 then -- and then every two years after that.

23 Q Did you receive this training through the  
24 State?

25 A It was -- no, sir. It was through the MindSet

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1 company. I'm not sure.

2 Q That's a private organization?

3 A Private organization, yes, sir.

4 Q Are you still a mindset trainer?

5 A Yes, sir, I am.

6 Q You mentioned another --

7 A Oh, I'm sorry.

8 Q Was it Crisis -- Life Space Crisis  
9 Intervention, correct?

10 A Yes, sir.

11 Q All right. Could you tell me about what that  
12 is?

13 A Yes, sir. So that's -- it's learning how to  
14 have conversations with students. It's not an in-depth  
15 therapeutic process, but it is therapeutic in nature  
16 where you're -- you're trying to gain like a timeline.  
17 You are trying to get the student's perspective on the  
18 issue and then build it with a little bit of reality.  
19 It's a way of talking with students and -- and being able  
20 to help them work through issues and -- and have them  
21 progress.

22 Q And could you also describe the requirements  
23 that you met in order to become certified in Life Space  
24 Crisis Intervention?

25 A Yes, sir. They -- I do believe that was like

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1 a -- a three-day initial certification in that that I  
2 took.

3 Q And did you likewise complete that coursework  
4 through a private organization or was this through the  
5 State?

6 A That would have been a private organization, as  
7 well, yes, sir.

8 Q Did you have to complete this training in order  
9 to become a behavior interventionist?

10 A Not to my knowledge.

11 Q You chose to?

12 A Yes, sir, through -- yes. Through the request  
13 of my principal at the time, yes.

14 Q Do you have your behavior interventionist  
15 currently at CGCA?

16 A We -- we have access to them, but we do not  
17 have one that's directly for us.

18 Q And where do you have access to behavior  
19 interventionists?

20 A Through the district.

21 Q And that's the Savannah-Chatham?

22 A Chatham County, yes.

23 Q Chatham County.

24 How many behavior interventionists are  
25 available to you through the County?

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1           A   The -- basically, the -- the students come  
2 through all the different schools throughout our -- our  
3 area, and so there is teams that are -- that are for each  
4 particular school zone, and so we -- we deal with all of  
5 those teams, whether it's, you know, the program manager  
6 for special education, and -- and they have like a  
7 behavior interventionist that's assigned to them so we --  
8 depending on the circumstance, that's how we -- we  
9 interact.

10          Q   Do you have other staff, aside from the  
11 behavior interventionists that you can access through the  
12 County, that work with students in the intensive  
13 intervention rooms now?

14          A   I'm sorry, please repeat that.

15          Q   Absolutely. So I'm -- I'm trying to get a  
16 sense of whether the only staff currently at CGCA that  
17 are providing services in the intensive intervention room  
18 are behavior interventionists that you access through the  
19 County.

20          A   No, that is not correct. So it -- it is our  
21 staff that is in that room.

22          Q   Okay.

23          A   Yes, sir.

24          Q   And what staff are in that room?

25          A   We -- like we have other staff that at that --

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1 like what I did, that have -- that are MindSet certified,  
2 LSCI certified, as well.

3 Q But they don't have the title behavior  
4 interventionist?

5 A That is correct. They do not have that title.

6 Q Why not?

7 A I -- I don't know. I'm sorry.

8 Q When's the last time CGCA had a dedicated  
9 behavior interventionist on staff?

10 A We -- we have not had a dedicated that's  
11 specifically for us. That is correct.

12 Q And so when you were a behavior interventionist  
13 or providing that -- that --

14 A Yes.

15 Q -- or serving that function --

16 A Yes, sir.

17 Q -- that wasn't your title?

18 A That is correct.

19 Q That's just a service you were providing?

20 A Yes, sir.

21 Q Does CGCA require that all staff providing this  
22 service in intensive intervention rooms have MindSet  
23 training in addition to Life Space Crisis Intervention  
24 training?

25 A I am not sure that there is any policy that's

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1 written about it, but it has been the case.

2 Q So we'll talk a little bit more about the  
3 intensive intervention rooms later, but I want to --

4 A Yes, sir.

5 Q -- continue on with your resume.

6 So also under teacher there is a reference to  
7 PBIS?

8 A Yes.

9 Q I see also from your list of accomplishments  
10 that you are a PBIS trainer from 2015 to the present; is  
11 that right?

12 A That is correct.

13 Q What does it mean to be a PBIS trainer?

14 A We -- our school took the PBIS initiative. I  
15 believe we integrated that in 2012, and it's a big part  
16 of our structure and our process in our program that  
17 we -- we do PBIS, Positive Behavior Intervention  
18 Supports, for our students. It leads to our token  
19 economy and our point system for the students for -- to  
20 incentivize them for -- for academics and -- and -- and  
21 positive behavior. And I -- I have been serving on the  
22 team since that time, and so we -- we support our staff  
23 in implementing that and any updates.

24 Q So you described the token economy?

25 A Yes, sir.

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1 Q I believe that's one piece of your PBIS model,  
2 correct?

3 A Yes, sir.

4 Q What are the other components of PBIS at CGAC  
5 (sic)?

6 A PBIS is -- is about changing adult behavior and  
7 not changing children's behavior, and so it's looking at  
8 children with a different perspective as to we treat  
9 behaviors with an understanding that it's an opportunity  
10 to grow as opposed to a punitive process as to what took  
11 place. And so the main focus is on changing the  
12 perspective on how adults deal with students that are  
13 misbehaving, that we're -- we're -- we're trying to be  
14 positive in our approach to -- to communicating with them  
15 and trying to find solutions for them knowing that they  
16 have something that's driving that behavior, and that's  
17 what we need to really hit on.

18 Q Do you think that PBIS is an effective  
19 approach?

20 A I'm sorry, do I think it's an effective  
21 approach? Yes, sir --

22 Q Why?

23 A -- I do.

24 It -- it's a culture change. It's a culture  
25 shift, and we -- we bring that -- that energy to -- to

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1 the program that -- that involves the students, the  
2 parents, the staff, and, you know, we do -- we do fun  
3 things like shout-outs for the -- the staff and the  
4 students. We have incentives like students get on  
5 progress when they are doing really well, and they have  
6 progress parties, and so it's -- it's a very positive  
7 atmosphere that's been created at our school because of  
8 PBIS.

9 Q Uh-huh. Do you know whether PBIS is an  
10 evidence-based process?

11 A I do, and it is.

12 Q What does the evidence show with respect to  
13 PBIS?

14 A What does the evidence show? The -- the -- I  
15 think -- I -- I respond to that in fact that it's -- that  
16 it -- it shows that we're -- that -- that we're focusing  
17 in on the true issues as to why the behavior occurred.  
18 It's the -- you know, the antecedents. The -- the --  
19 it's what's led up to that, what's the emotional  
20 component that did, and let's focus on helping that area  
21 as opposed to being punitive in the -- in the -- the  
22 process of -- of just looking at the behavior.

23 Q Are you aware of whether research has  
24 demonstrated that PBIS leads to better educational  
25 outcomes for students who receive it?

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1 A I am, but I do not know any specific things to  
2 reference at this moment.

3 Q But you have seen reference to that effect?

4 A Yes, sir.

5 Q Or research to that effect?

6 A Yes, sir.

7 Q And just going back really quick, do you know  
8 whether MindSet training is an evidence-based practice?

9 A I'm pretty sure it is, but I -- I am not sure  
10 100 percent on it.

11 Q And what about Life Space Crisis Intervention?  
12 Is that an evidence-based process?

13 A I -- once again, I believe so, but I -- I have  
14 not -- I do not know off the top of my head.

15 Q How many of your staff at CGAC (sic) have  
16 training in PBIS?

17 A In -- our entire staff.

18 Q Is that a requirement of employment at CGAC?

19 A I -- I wouldn't say it's a requirement, but  
20 it's -- it's so embedded in what we do in our  
21 preplanning, in our -- just our all staff meetings that  
22 we're -- it's -- the -- the expectations are certainly  
23 there, certainly.

24 Q How did you first learn about PBIS?

25 A The -- I -- I don't completely recall but the

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1 -- but the request was probably given to our  
2 administrative staff at that time, and they were trying  
3 to develop a team to go attend this initial meeting for  
4 us in our -- in our induction to the program, so at that  
5 moment.

6 Q And when you say "administrative staff," are  
7 you talking about the GNETS program director?

8 A It was -- it may have come through that, I'm  
9 not sure, but -- but all I know at that moment was that  
10 it was principal, my principal at the time, yeah.

11 Q Okay.

12 A I didn't -- it's possible, but I don't know.

13 Q Have there been any efforts made by the Georgia  
14 Department of Education to encourage or require  
15 implementation of PBIS at the GNETS programs?

16 A The -- the GNETS programs have encouraged it,  
17 certainly.

18 Q What about the Department of Education?

19 A I don't know. I don't know.

20 Q Have you had any conversations with Vickie  
21 Cleveland, for instance, regarding PBIS?

22 A Yes, I'm -- we have had -- I'm sure at meetings  
23 it's been brought up.

24 Q And just a quick sidebar.

25 A Yes.

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1 Q How often are you meeting with Ms. Cleveland?

2 A We -- we have monthly meetings. They are  
3 scheduled monthly. We don't always do that.

4 Q Are those one-on-one meetings or meetings with  
5 all GNETS program directors?

6 A All GNETS program directors.

7 Q Are those occurring in person or remotely?

8 A Remotely.

9 Q And how long have those meetings been going on?

10 A As far as I know, certainly the -- the length  
11 that I have been in my role here. I would assume prior  
12 to that, but I don't know.

13 Q And so PBIS has come up in these meetings with  
14 Vickie Cleveland?

15 A Yes, sir.

16 Q What other topics are discussed?

17 A Just other initiatives that we do. i-Ready,  
18 that's a reading support program. Just general budget  
19 information.

20 Q Uh-huh. Are you aware of efforts to change the  
21 financing structure for GNETS by the Georgia State  
22 Assembly last year?

23 A Yes, sir, I am.

24 Q Was that topic discussed in these meetings with  
25 Vickie Cleveland?

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1 A The questions were raised but not discussed.

2 Q What does that mean?

3 A The -- some of the GNETS directors were asking  
4 about it.

5 Q And what response was received?

6 A That -- that the updates would be coming when  
7 we have information.

8 Q And have any updates been provided?

9 A We do not have any specific updates of -- we --  
10 we know what happened in the --

11 Q Right.

12 A -- in that, but -- but -- and we are aware that  
13 on November 1st that they are supposed to be submitted, a  
14 proposal.

15 Q This coming November?

16 A Yes, sir.

17 Q What is that proposal? I'm sorry.

18 A Just for the -- for what's -- what's expected  
19 of -- what the proposal is for the GNETS program.

20 Q The budget for the --

21 A The budget for the program, yes, sir.

22 Q Okay. And just to make sure that the record is  
23 clear, these were questions that were posed by the GNETS  
24 program directors to Vickie Cleveland regarding changes  
25 being considered to the budget of GNETS by the Georgia

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1 State Assembly. Is that accurate?

2 A That is correct, yes, sir.

3 Q And Vickie Cleveland, just again for the  
4 record, has not provided any information in response to  
5 those requests?

6 A Not that I am aware of, no.

7 Q Do you have any -- do you have a meeting  
8 scheduled with Ms. Cleveland for September?

9 A I -- I would assume so, yes, sir. I don't  
10 recall what date.

11 Q Do you have any specific items that you plan to  
12 discuss with her at that time?

13 A I do not, no.

14 Q Do you meet on a regular basis with any other  
15 staff at the Georgia Department of Education?

16 A I do not.

17 Q Do you meet on a regular basis with any staff  
18 at the Georgia Department of Behavioral Health and  
19 Developmental Disabilities?

20 A I do not.

21 Q Do you meet on a regular basis with any staff  
22 at the Georgia Department of Community Health?

23 A I do not.

24 Q Have you ever interacted with any staff at the  
25 Georgia State Center of Excellence?

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1 A Not that I am aware of.

2 Q Are you familiar with the Georgia State Center  
3 of Excellence?

4 A Perhaps not, no.

5 Q So you wouldn't be able to summarize what they  
6 do?

7 A No, sir.

8 Q So I want to stick with the general time frame  
9 that we are in here which is up to 2018 when you became  
10 program manager. And I note in your accomplishments --  
11 and this is on page 2 of Exhibit 399.

12 A Yes, sir.

13 Q -- that you were a member of the emergency  
14 response team and remained a member of that team. Is  
15 that accurate?

16 A That is correct.

17 Q What is the emergency response team?

18 A That's a -- our school-based response team to  
19 any kind of, you know, issues that are going on and  
20 safety prevention and so forth.

21 Q Can you give me an example of an issue that the  
22 team would respond to?

23 A Well, we -- we do active shooter drills. We --  
24 we talk about our fire drills. We interact as such.

25 Q So this would not be a crisis response team,

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1 more so in general an emergency response team. Is that  
2 accurate?

3 A For the school-based, yes, sir.

4 Q For the -- the Coastal Georgia Comprehensive  
5 Academy Center?

6 A Yes, sir.

7 Q I just want to make sure that I -- I am fully  
8 understanding. This is not a team that would be working  
9 in the intensive intervention rooms. It's not their --

10 A That is correct.

11 MR. DENNISON: And for the record, you are  
12 saying crisis prevention, not safety prevention? I mean,  
13 you said safety prevention.

14 THE WITNESS: Thank you.

15 MR. DENNISON: I presume you know what you  
16 meant.

17 THE WITNESS: Yes, sir. Thank you.

18 MR. HOLKINS: Thank you. I appreciate that.

19 THE WITNESS: That's not good.

20 Q BY MR. HOLKINS: So also in this time period --  
21 this is for 2013 to 2018 on page 3 of your resume --  
22 there's a reference to SWIS data collector. Do you see  
23 that text?

24 A Yes.

25 Q What is a SWIS data collector?

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1           A    That's a -- that -- it's associated with a  
2 PBIS.  So part of the process is we collect data on -- on  
3 what's going on, like referrals, office referrals, and so  
4 that way the PBIS team is able to discuss referrals and  
5 come up with solutions, action plans to -- to deal with  
6 that.  So that -- that's just the program, and -- and  
7 I -- at that time, I was in charge of the data  
8 collection.

9           Q    So I know this is going to be basic for you,  
10 but just for the record, what do you mean by "office  
11 referral"?

12          A    An office referral, just anything that -- that  
13 is referred to the intensive intervention room based on a  
14 behavior that takes place in the classroom.

15          Q    So your -- your role as SWIS data collector was  
16 to track data relating to those referrals?

17          A    Yes, sir.  Correct.

18          Q    Why would -- and this is in support of the PBIS  
19 implementation?

20          A    That is correct.

21          Q    Is there currently a SWIS data collector at  
22 CGAC?

23          A    There is, yes.

24          Q    How many individuals on your staff perform that  
25 function?

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1 A We have two that have access to it at this  
2 time. Well, actually, three with me. I still have  
3 access.

4 Q And what do you mean by "access to"?

5 A To enter data.

6 Q Okay.

7 A Like a login.

8 Q Is that -- is there a -- some certification  
9 that's required in order to be able to access?

10 A There was a -- a course that I'm not sure if  
11 that's considered certification, but just a course on it.

12 Q But there are prerequisites?

13 A Yes, sir.

14 Q Are those prerequisites that are established by  
15 the State?

16 A Not that I am aware of. I don't know.

17 Q And where did you complete this course?

18 A It was -- I -- I believe it was through like  
19 a -- I don't recall. That was a while ago.

20 Q So just to make sure I understand, is this like  
21 a -- an online database that you need to have an account  
22 on in order to be able to submit information?

23 A Yes, sir. That is correct.

24 Q And that -- the administrators of that database  
25 require that you take or complete a course before you are

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1 given an account?

2 A Yes, sir.

3 Q Okay. And so presently there are three  
4 individuals at CGAC who have access to the account  
5 essentially for CGAC?

6 A Yes, sir.

7 Q Okay. And how regularly are they inputting  
8 data?

9 A To my knowledge, daily, when -- as -- as they  
10 occur.

11 Q Are you reviewing that data on a regular basis  
12 as part of your role as principal?

13 A I review it as part of the PBIS team, and so  
14 we -- we have a -- a portion during our PBIS meetings  
15 where we talk about the data and we go over it and try to  
16 hit on some areas that are predominant with -- with  
17 referrals.

18 Q Are you reviewing that data across all children  
19 who have been referred to the intensive intervention  
20 room?

21 A Yes, sir.

22 Q And how often are you meeting with the PBIS  
23 team?

24 A We meet monthly.

25 Q And what kind of data is tracked through this

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1 system?

2 A The occurrence, frequency, day of the week,  
3 location. I think -- I think that's it.

4 Q How do you use that data to guide your efforts  
5 to help those students?

6 A We -- we try to identify tendencies, trends  
7 that are occurring, and -- and then highlight and then  
8 look into that data a little bit more extensively as to  
9 like then we can start pulling each of the referrals  
10 and -- and see where the information is. Is it -- is it,  
11 you know, a particular couple of students? Is it like  
12 the bus area? Whatever the -- the main issue that's  
13 taking place, and we try to come up with some proactive  
14 solutions to -- to solving it.

15 Q Does it help you identify antecedents?

16 A Yes, of course.

17 Q And then to address those antecedents by making  
18 changes to the environment?

19 A Exactly, yes.

20 Q So let's go ahead and move forward. I know we  
21 are about 40 minutes in. We will probably finish this  
22 exhibit, and then we will take a short break.

23 A Okay. Yes, sir.

24 Q In 2018, as discussed, you became program  
25 manager at CGCA, correct?

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1 A That is correct.

2 Q What are the duties of a program manager, or  
3 what were your duties as program manager at CGCA?

4 A At the time, that's when we had our satellite  
5 at Effingham, and so I was the program manager --  
6 Effingham. I'm sorry, E-f-f-i-n-g-h-a-m County. And at  
7 the time, we had a -- a satellite program there, and so I  
8 was the site-based administrator for that location and  
9 for that program.

10 Q Were you essentially the principal at  
11 Effingham?

12 A Not by title.

13 Q But in terms of --

14 A Not in title. As the site administrator.

15 Q And so what did you do as site administrator at  
16 the satellite in Effingham County?

17 A Managed the personnel, the -- the staff there  
18 of -- with the classroom, you know, design and so forth  
19 like that, the -- addressing building issues,  
20 communicating with the Effingham County Board for what  
21 they were doing. Just general site administrator stuff  
22 in addition to working with the -- the classes.

23 Q What were the building issues that you  
24 identified?

25 A Not necessarily issues but just regular

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1 expectations of the -- upholding the expectations of --  
2 of the -- the County, the Board of Education that are  
3 processed. You know, just transportation, just regular  
4 nutrition, regular school items.

5 Q And would that include expectations as to  
6 maintenance of the facility?

7 A Yes. Yes.

8 Q The satellite program at Effingham County has  
9 since closed, correct?

10 A Yes, sir.

11 Q When did that happen?

12 A I believe it was -- I'm not 100 percent, but I  
13 think it was that -- either that 2018 or 2019. I don't  
14 have that right in front of me.

15 Q Why did that happen?

16 A I -- I really -- to be honest with you, I -- I  
17 was not with that, and I -- I was not part of that  
18 process as to why they -- they -- they did that.

19 Q And what's your understanding of who made the  
20 decision to close the satellite location in Effingham  
21 County?

22 A My assumption is the administrative staff over  
23 there.

24 Q For that county?

25 A For that county, yes, sir.

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1 Q Do you know if -- if the Georgia Department of  
2 Education had any involvement?

3 A I -- I do not know anything about that.

4 Q So as site administrator for Effingham County,  
5 you had no input as to the decision to close? That --

6 A That -- that is correct. I was still a Chatham  
7 employee at the time throughout the whole entire part.

8 Q Why was it that you were -- let me ask this in  
9 another way.

10 A Yes, sir.

11 Q Were all of the staff at that satellite also  
12 Chatham employees?

13 A And what -- it was the agreement for the  
14 transition because those students used to be served at  
15 our program at Coastal, and the -- the County worked out  
16 an agreement, so we provided the auxiliary staff, and --  
17 and they supplied the teachers.

18 MR. DENNISON: The "County" being Effingham  
19 County?

20 THE WITNESS: The county Effingham, yes, sir.

21 Q BY MR. HOLKINS: Got it. And what do you mean  
22 by "auxiliary staff"?

23 A Auxiliary staff, social worker tech, myself as  
24 a program manager. We -- we had a -- actually, several  
25 of them -- several social worker techs that would spend

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1 time, though. The -- our principal came over a couple of  
2 times -- once a week, and -- and then we -- who else did  
3 we have? We also had our academic specialist that came  
4 over once a week, PBIS coordinator.

5 Q Do you recall what led to this agreement to  
6 serve students previously served through CGCA in  
7 Effingham County?

8 A Like the original?

9 Q Uh-huh.

10 A I -- I do not know. I do not know that.

11 Q So in the resume here on page 1, it says,  
12 "Implemented site based component move to new location."  
13 Could you describe what your role was in facilitating the  
14 move?

15 A Yes. So -- so I was part of the team that --  
16 that went over there for that transition, and because we  
17 were serving those students at the Chatham-based site,  
18 and so I'm -- actually, the -- the program manager  
19 position was developed, and that's where I -- I received  
20 that position, to go in there and work.

21 MR. DENNISON: If I can intervene here just for  
22 clarity again.

23 THE WITNESS: Yes, sir.

24 MR. DENNISON: You are referring to the top --  
25 the first bullet point here?

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1 MR. HOLKINS: I'm sorry, no. I'm actually  
2 under "Program Manager."

3 MR. DENNISON: Okay.

4 MR. HOLKINS: The Effingham Rincon Learning  
5 Center based component move. I know that there is  
6 actually two moves.

7 MR. DENNISON: Okay.

8 MR. HOLKINS: I'm talking about the move to  
9 Effingham Rincon Learning Center.

10 MR. DENNISON: Thank you.

11 Q BY MR. HOLKINS: And so you were part of the  
12 team that facilitated that transition?

13 A Correct.

14 Q Did the State have any involvement, for  
15 instance, Vickie Cleveland or the GNETS program director  
16 at the time have any involvement in facilitating that  
17 transition?

18 A No, sir.

19 Q Were you consulting with anyone at the Georgia  
20 Department of Education with respect to that transition?

21 A No, sir.

22 Q So we will talk a little bit more about the --  
23 the specific facilities a bit later, but I want to stick  
24 with the -- the CV and move into your -- your current  
25 role as principal.

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1 A Okay.

2 Q Which you've been in since January of 2021,  
3 correct?

4 A That is correct.

5 Q So the resume references responsibilities  
6 relating to developing and maintaining a budget, State  
7 grant and strategic plan. Do you see that text?

8 A Yes.

9 Q What are your duties with respect to developing  
10 and maintaining the budget?

11 A Well, we -- we start off by submitting the  
12 application for the -- the State grant, and -- and then  
13 budgeting our -- our expenses for staff and so forth and  
14 expenses, and just working with our -- our -- just  
15 working on the regular -- you know, creating a budget  
16 with that.

17 Q What is the annual budget for CGCA?

18 A The -- the State grant was listed at 2.9  
19 million. I'm not sure of the exact. The federal grant  
20 was 315,000, and then we have our district that  
21 provides -- what's the word I'm looking for? I'm drawing  
22 a blank on the word.

23 Q Oh, that's fine.

24 Do you get additional funds from the district?

25 A Not financial but in support, in -- in kind.

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1 Is that --

2 Q In kind?

3 A Is that the correct word?

4 Q And so that would be, for instance, access to a  
5 behavior interventionist?

6 A Correct. Yes.

7 Q So is it fair to say that the lion's share of  
8 the budget for CGAC comes from that State grant?

9 A Yes, but -- but it's also the facility by the  
10 district. It's the -- you know, it's the custodian  
11 staff, nursing staff are all provided by the district.

12 Q And but just to be clear, in terms of actual  
13 allocations to your program --

14 A Yes, sir.

15 Q -- 2.9 million comes from the State grant,  
16 350,000 -- 315,000 comes from the federal government?

17 A Yes, sir.

18 Q And then you get in-kind contributions from the  
19 district, correct?

20 A That is correct.

21 Q So the lion's share of the allocations program  
22 comes from the State?

23 A Yes, sir. Yes, sir.

24 Q Has that 2.9 million figure changed --

25 A Yeah.

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1 Q -- over time?

2 A In -- in my awareness in the short time that I  
3 have been there, yes, it has.

4 Q How has it changed?

5 A It has decreased a little bit.

6 Q And what was the most that you can recall that  
7 CGAC has received by a State grant?

8 A And -- and certainly, I don't know the numbers  
9 prior to me being in there. All I know is the year  
10 before, and it was -- I think it was 3.1.

11 Q And how would you explain that decrease?

12 A Students. It's -- it's based on a -- a  
13 three-year average of students that we have, and  
14 certainly the -- the Effingham students not being a part  
15 of us anymore decreased that number. So our -- the  
16 expectations were that that money was going to go down.

17 Q So essentially, if your enrollment declines,  
18 you expect to receive less in State grant funds from the  
19 State of Georgia?

20 A That is correct, and it's -- it's done over a  
21 three-year average to prevent any major drops.

22 Q How many total students are served through CGAC  
23 currently?

24 A I do not know that number off the top of my  
25 head, to be honest with you.

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1 Q That's fine. And we've got some enrollment  
2 statistics that we can --

3 A Okay.

4 Q -- show you a bit later. I know I'm putting  
5 you on the spot here.

6 Would you say that it's -- it's under 200?

7 A Yes, sir.

8 Q Okay. And so -- so let me ask you now about --  
9 sticking with the State grant, I think you said that we  
10 work on it. Who is working on it with you, the State  
11 grant application?

12 A My staff in providing information that's  
13 required.

14 Q And what information do you receive from your  
15 staff in support of the State grant application?

16 A We are having to respond to a number of  
17 questions as far as like, you know, staffing, students,  
18 and -- and so forth.

19 Q So what assessments specifically are your staff  
20 making with respect to the staffing needs in order to  
21 support the State grant application?

22 A I'm sorry, could you --

23 Q So I think that your testimony previously was  
24 that -- you were responding to questions as to staffing  
25 students?

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1 A Staffing and students.

2 Q And students.

3 A I apologize.

4 Q That's fine. I just misread the transcript.

5 And so what questions with respect to staffing  
6 are you responding to?

7 A Just descriptions of -- of -- you know, of the  
8 layout, like how many classes we're projecting for each  
9 component, those kind of things.

10 Q Is there any -- is this assessment linked to  
11 behavioral outcomes or PBIS data that your team reviews  
12 on a regular basis?

13 A As we provide information within the body of  
14 it, it's a -- an extensive grant that we are providing,  
15 so there's -- there's, you know, like -- go ahead. I'm  
16 sorry.

17 Q Yeah. So I'm just trying to understand whether  
18 in assessing your staffing needs --

19 A Uh-huh.

20 Q -- CGAC is looking at outcome data for the PBIS  
21 program for your students. Would that inform whether you  
22 felt you need more staff or whether you have sufficient?

23 A Oh, okay. I understand. I don't think that  
24 would be a direct response to that. I don't think  
25 that -- that we would use that for that.

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1 Q Why not?

2 A The -- I would -- I would assume that our --  
3 our staffing is -- is more based on our -- our financial  
4 capability.

5 Q Than based on the needs of the students?

6 A Not necessarily, just -- just from the  
7 standpoint of -- of trying to allocate the -- the budget  
8 to -- to fit the -- the staff that we have there in the  
9 supports of the students.

10 Q Do you feel like CGAC has all the staff that it  
11 needs to meet the needs of students at CGAC?

12 A I do.

13 Q There are no additional staff that you would  
14 like to hire with additional funding in order to better  
15 meet the needs of students at CGAC?

16 A I -- I truly believe that we -- we -- we have  
17 the supports that we are -- we are working with that we  
18 are -- we are good with what we got.

19 Q Does CGAC have a dedicated psychologist on  
20 staff?

21 A We do not have one specifically.

22 Q Would that be helpful?

23 A We have access through the -- the district to  
24 the psychologist.

25 Q Just to be clear.

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1 A Sure. Of course.

2 Q Pose the question again. Would it be helpful  
3 to have a dedicated psychologist on staff at CGAC?

4 A At -- at this point, we -- I -- no. I -- I  
5 believe that we -- we have the support that we need from  
6 the district with the school psychologist.

7 Q How -- how often is the school psychologist  
8 that you have access to actually coming to CGAC to  
9 provide services?

10 A To provide the services, they help us in the --  
11 the process of the eligibility.

12 Q And that's the eligibility assessments for  
13 students referred to your program?

14 A That is correct.

15 Q Is that the extent of their role?

16 A Yes, sir.

17 MR. DENNISON: Just for clarity, you are  
18 talking about -- are you saying eligibility for referral?  
19 Eligibility is something that is -- raises -- that is  
20 pertinent outside of just the time of referral, correct?

21 THE WITNESS: Yes, correct. Yes.

22 Q BY MR. HOLKINS: So I'm a little bit confused  
23 as to the testimony now. And so my -- my understanding  
24 previously was that school psychologists had a role in  
25 assessing eligibility for enrollment in CGAC, correct?

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1           A   They -- they provide the district with  
2   eligibility reports and -- and then, therefore, we are  
3   accessing those reports.

4           Q   And beyond that function, does -- does the  
5   school psychologist at CGAC have access to provide any  
6   service?

7           A   No, they do not.

8           Q   What about the strategic plan? Could you tell  
9   me what that is?

10          A   The strategic plan is the equivalent to our  
11       school improvement plan that's based on several  
12       categories. I don't recall all of them off the top of my  
13       head, but basically ways for us to take a look at what we  
14       are doing with services, with leadership, and different  
15       kinds of categories and such to go ahead and -- and  
16       determine where we are and what kind of improvements that  
17       we are looking for.

18          Q   How often is CAGC (sic) completing a strategic  
19       plan?

20          A   We -- we do that yearly, and then we do  
21       self-assessments on a -- on a midyear and a final year,  
22       end of the year.

23          Q   So the self-assessments are essentially  
24       progress reporting in connection with the strategic plan;  
25       is that accurate?

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1 A Yes, looking -- looking at the -- the  
2 information that we -- that we establish and trying to  
3 review it and seeing if it's acknowledged.

4 Q Okay. We'll talk a bit more about those two  
5 documents later.

6 A Okay.

7 Q Your resume references implementation of  
8 academic growth with social skill acquisition and  
9 behavior management. Can you describe what that entails?

10 A So that -- that's probably the -- the biggest  
11 premise behind what we do. We are -- we are trying to  
12 stabilize the -- the emotional component of the behavior,  
13 teach them the social skills but at the same time  
14 maintain their academic progress for the -- for the --  
15 for trying to guide them back to their regular school in  
16 preparation for.

17 Q And what are your contributions as principal to  
18 that process?

19 A I -- I like to say that I -- I try to role  
20 model the interventions. I try to make sure that staff  
21 is implementing those items, those components.

22 Q So you're overseeing implementation of that  
23 goal by staff?

24 A Correct.

25 Q How do you do that?

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1           A     Through -- I mean, we -- we can look at that  
2 through data-driven guidance there looking at information  
3 that we're providing and -- and obtaining.

4           Q     So you reference data-driven guidance. What  
5 are you specifically referring to?

6           A     Well, with the -- the social skill acquisition,  
7 each of them carry their -- their -- their point cards,  
8 and they have individualized goals on their point cards,  
9 and we can check and see if they're in our token economy.  
10 If they are getting the points towards those, we can take  
11 a look and see if they are developing their social  
12 skills, have they made it to the progress level  
13 identifying such looking at the -- the SWIS data.

14          Q     I understand. So that's how you track the  
15 student's progress, correct?

16          A     Correct.

17          Q     How are you tracking your staff's performance  
18 in implementing this goal?

19          A     Okay. We -- we certainly look at the i-Ready  
20 diagnostics, and we can -- things that are provided, to  
21 go ahead and look at pre- and post-tests that we have  
22 with that for the academic. Certainly when we meet with  
23 IEP teams, the -- the talk about the conversation is, you  
24 know, did the student meet their goals and so forth.

25          Q     So the student's performance is one factor in

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1 assessing the teachers' --

2 A Uh-huh.

3 Q -- and staff's performance; is that right? Is  
4 that correct?

5 A That is correct.

6 Q Okay. And what are the other factors that you  
7 are looking at in assessing staff performance?

8 A We -- we have our -- our -- the TKES, which is  
9 a -- a State-driven teacher evaluation program, and --  
10 and certainly that can be incorporated within how I'm  
11 doing observations in the classroom and giving feedback  
12 and so forth and --

13 Q Is that --

14 A -- developing that --

15 Q I'm so sorry.

16 A -- the evaluation.

17 Q Go ahead.

18 THE REPORTER: Say that again.

19 THE WITNESS: And developing that evaluation.

20 Q BY MR. HOLKINS: Apologies for speaking over  
21 you.

22 You referenced a State-driven teacher  
23 evaluation program. Is that something that you are using  
24 on a regular basis to evaluate teacher performance?

25 A Yes, sir.

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1 Q Are there any other State-driven or  
2 State-required evaluation programs that you use as  
3 principal to evaluate staff performance?

4 A No, sir.

5 Q How do you evaluate the performance of  
6 therapeutic staff at CGAC (sic)?

7 A My -- through -- basically through our -- our  
8 ability to do refreshers and professional learning  
9 opportunities, and based on working with that staff to  
10 make sure that we have those that are certified, that  
11 they are up-to-date on their certifications.

12 Q So correct me if I'm misstating this. You are  
13 determining whether staff meet ongoing certification  
14 requirements, correct?

15 A That is correct.

16 Q Anything else that you are doing to review the  
17 performance of therapeutic staff at CGAC?

18 A Not that I am aware of.

19 Q So let's talk about the other move that's  
20 referenced on this resume, which is the first bullet  
21 point under principal, implementation and maintenance of  
22 high school component transition to new location.

23 So my understanding is that this is a reference  
24 to the migration of students from CGAC -- CGAC center to  
25 H.V. Jenkins. It's a high school located in -- located

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1 in Savannah, correct?

2 A That is correct.

3 Q Okay. And what were your duties with respect  
4 to this transition?

5 A The -- the logistical part of it with the  
6 actual move, we had a -- we -- we moved that summer of  
7 prior to that, setting up there and working on the  
8 logistical part of that, certainly working on getting  
9 acclimated to -- to the -- the new environment there and  
10 implementing the -- the therapeutic environment that we  
11 provide and -- and working on that.

12 Q Who on your staff was working with you in  
13 making this transition?

14 A We have a -- a dedicated program manager for  
15 the high school that -- that is serving over there.

16 Q Who is that person?

17 A That is Kim Brewer.

18 Q And has Ms. Brewer been in that role since CGAC  
19 transitioned its high school students to H.V. Jenkins?

20 A That is correct.

21 Q On a regular week, how much time are you  
22 spending at H.V. Jenkins versus at the CGAC center?

23 A I am over there a minimum of once a week and --  
24 and then as needed.

25 Q So most of the time you are at the CGAC center?

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1 A That is correct.

2 Q And when would be an example of a time when  
3 you're needed to go to H.V. Jenkins other than on your  
4 normally scheduled day?

5 A When the program manager is out, for  
6 administrative coverage, would be an example.

7 Q So we're a little bit over an hour. One more  
8 question for you --

9 A Yes, sir.

10 Q -- or a couple more, and then we will take a  
11 break.

12 So I note that you have been a youth wrestling  
13 coach at a number of schools, correct?

14 A That is correct.

15 Q Including Savannah Christian Preparatory  
16 School?

17 A That is correct.

18 Q And Jenkins High School?

19 A That is correct.

20 Q Have you ever coached wrestling at CGAC?

21 A I have not.

22 Q Has there ever been a wrestling program at  
23 CGAC?

24 A There is not.

25 MR. HOLKINS: Let's take a 15-minute break.

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1 Off the record.

2 THE VIDEOGRAPHER: It is now 10:06. We are  
3 going off the video.

4 (The deposition was at recess from 10:06 a.m.  
5 to 10:22 a.m.)

6 THE VIDEOGRAPHER: It's now 10:22, and we are  
7 going back onto the video.

8 Q BY MR. HOLKINS: Welcome back, Mr. Ackerman.

9 A Yes, sir.

10 Q Just a couple of questions to clean up from our  
11 discussion earlier today before we move on. The first is  
12 with respect to evaluations of therapeutic staff at CGCA.  
13 And I believe you testified previously that the only way  
14 that you personally are evaluating those employees is  
15 just by assessing whether they are maintaining the  
16 necessary certifications. Is that accurate?

17 A That is accurate, correct.

18 Q Is -- is there some other evaluation process  
19 for those staff?

20 A They are evaluated by the -- the general  
21 process through the TKES program, through the process of  
22 the evaluation system.

23 Q That's the State-directed program?

24 A That's the State-directed program, correct.

25 Q Every employee?

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1 A Every employee does, yes.

2 Q Okay. Just a couple more questions about  
3 your -- your current role. What is your salary at  
4 present?

5 A My salary, 110.

6 Q \$110,000?

7 A Yes, sir.

8 Q Do you know whether that is paid out of the  
9 State grant allocation?

10 A That is.

11 Q It is?

12 A Yes, sir.

13 Q So let's go ahead and move on to another  
14 document. This is going to be Exhibit 400. I will hand  
15 you some copies.

16 (Deposition Exhibit 400 was marked for  
17 identification.)

18 THE WITNESS: Thank you.

19 Q BY MR. HOLKINS: Mr. Ackerman, you have just  
20 been handed what we are marking as Exhibit 400. This is,  
21 I'll represent, the United States subpoena to Coastal  
22 Georgia Comprehensive Academy for documents. I believe  
23 it's a subpoena that you referenced earlier reviewing in  
24 preparation for this deposition; is that correct?

25 A Yes, sir.

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1 Q And did you first receive this document at or  
2 around the time it was served?

3 A Yes, sir.

4 Q And that was in August of 2021, correct?

5 A That is correct.

6 Q Did Mr. Dennison show this document to you?

7 A He did.

8 Q And Coastal Georgia Comprehensive Academy  
9 prepared a response to this subpoena, correct?

10 A That is correct.

11 Q What was your involvement?

12 A My involvement was -- was accumulating the  
13 documents to -- to assist in getting them supplied to  
14 the -- to the government.

15 Q Did you personally look for responsive  
16 documents?

17 A Did I personally look for some? In some cases,  
18 yes.

19 Q Did staff assist you --

20 A Yes, sir.

21 Q -- with that?

22 And which staff assisted you with responding to  
23 the subpoena?

24 A There was a number of staff. My program  
25 managers certainly assisted with that.

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1 Q There is no need to identify their names. The  
2 program managers. Were there other titles that were  
3 involved?

4 A There -- like our information specialist,  
5 administrative secretary. Any kind of documents like  
6 that.

7 Q Were therapeutic staff involved in responding  
8 to the subpoena?

9 A The -- there is no specific like -- like  
10 therapeutic staff that's not all staff anyway.

11 Q So essentially, did all staff have a role in  
12 responding to the subpoena?

13 A No. No. All staff did not have a role in  
14 this.

15 Q Okay. The program manager, the information  
16 specialist --

17 A Correct.

18 Q -- and yourself?

19 A Correct. Yeah.

20 MR. DENNISON: And for clarity, there was  
21 district side support, as well, in production, correct?

22 THE WITNESS: Correct.

23 Q BY MR. HOLKINS: And who from the district was  
24 involved?

25 A There was -- the human resources department

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1 assisted, and sorry.

2 MR. DENNISON: DiTommaso in accountability.

3 THE WITNESS: Yeah, accountability.

4 THE REPORTER: Say the name again.

5 DENNISON: DiTommaso. It's Italian, D-i.

6 Q BY MR. HOLKINS: So these are all employees of  
7 the Chatham --

8 A Correct, yes.

9 Q -- School District?

10 A Yes, sir.

11 MR. DENNISON: And the special ed, special ed  
12 leadership.

13 THE WITNESS: And special ed, yes.

14 Q BY MR. HOLKINS: Special ed leadership, I'm  
15 sorry what was that?

16 MR. DENNISON: Yes, so Dr. Finch and Dr. Keener  
17 on the district side with special ed were -- participated  
18 in the exercise of production.

19 Q BY MR. HOLKINS: Do you know, Mr. Ackerman,  
20 what their specific role was in assisting with the  
21 production?

22 A Yes, I do.

23 Q What was their role?

24 A Assisting in specific documents that they would  
25 have access or -- or ability to go ahead and assess --

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1 access.

2 Q And what kinds of documents did they have  
3 access to that were responsive to the subpoena?

4 A I don't know specifically. I guess perhaps  
5 when we go through that, I can...

6 Q Uh-huh. Well, we'll go through some  
7 documents --

8 A Okay.

9 Q -- that were produced, and then I can just ask  
10 you for each of those documents who was involved, and  
11 that may include some of the district staff --

12 A Okay.

13 Q -- that you've mentioned.

14 A Yes, sir.

15 Q Did you discuss this subpoena or CGCA's  
16 response to this subpoena with anyone at the State  
17 Department of Education?

18 A I did not.

19 Q You did not discuss this subpoena with Vickie  
20 Cleveland?

21 A I did not discuss the subpoena.

22 Q Did you discuss the subpoena or CGCA's response  
23 with other directors of GNETS programs?

24 A I did not.

25 Q Did you discuss CGCA's response to the subpoena

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1 with counsel for the State of Georgia in this litigation?

2 A With -- I did not, no.

3 Q Did you review all of the documents that CGCA  
4 ultimately produced in response to this subpoena?

5 A Yes. I looked through them.

6 Q So you can set that aside for now, and we are  
7 going to move on to another document. This is going to  
8 be 401.

9 (Deposition Exhibit 401 was marked for  
10 identification.)

11 Q BY MR. HOLKINS: Mr. Ackerman, you've just been  
12 handed what we are marking as Exhibit 401. I'll  
13 represent that this is a subpoena to Coastal Georgia  
14 Comprehensive Academy for inspection of the premises by  
15 United States in connection with this litigation.

16 Mr. Ackerman, have you seen this document  
17 before today?

18 A I have.

19 Q Did Mr. Dennison also show you this document?

20 A He did.

21 Q Are you familiar with the attachment to the  
22 subpoena which starts on page 3 of the document?

23 A Yes.

24 Q I think you referenced earlier today these  
25 visits by the United States, both our attorneys for the

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1 United States and experts for the United States, correct?

2 A That is correct.

3 Q Do you recall when those visits occurred?

4 A They were in March.

5 Q Of 2022?

6 A Of 2022.

7 Q And there were multiple visits, correct?

8 A Correct. We had -- we had -- I guess two teams  
9 came, one on a Tuesday and one on a Thursday, visiting  
10 both sites.

11 Q Were you personally present for those visits?

12 A I was.

13 Q And DOJ attorneys were in attendance, correct?

14 A Yes, sir.

15 Q And for the record, I was in attendance,  
16 correct?

17 A Correct. Yes.

18 Q On one of those visits?

19 A Yes, sir.

20 Q And then there were also experts for the  
21 Department of Justice in attendance during those visits,  
22 correct?

23 A That is correct, yes, sir.

24 Q Were attorneys for the State of Georgia present  
25 during those visits?

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1 A Yes, sir.

2 Q Were personnel for the Georgia Department of  
3 Education present during those visits?

4 A Yes, sir.

5 Q Who specifically?

6 A I don't remember which order, but Wina Lowe was  
7 at one, and then Shaun Owen was at the other.

8 Q What is Wina Lowe's position?

9 A -- I am drawing a blank on her exact title.  
10 Sorry.

11 Q She's at the Department of Education?

12 A Yes, sir.

13 Q And what about Shaun Owen? Do you recall what  
14 her position is?

15 A She's the -- I mean, executive -- or sorry.

16 Q She's the director?

17 A Their director, right.

18 Q Have you had occasion to talk with Ms. Owen  
19 before those visits?

20 A No. No, sir.

21 Q What about with Ms. Lowe?

22 A No, sir.

23 Q You never met them before?

24 A No, I did not.

25 Q Had they ever visited CGCA before, to your

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1 knowledge?

2 A No, they have not, to my knowledge.

3 Q Could you describe generally what the site  
4 inspections entailed?

5 A Yes. They wanted to see the facilities, both  
6 locations. I went into most, if not all of the classes,  
7 to go ahead and -- and observe and -- and basically just  
8 kind of get an idea for what the facilities were at both  
9 locations.

10 Q And do you recall whether members of the DOJ  
11 team, including experts, took photographs as part of that  
12 site inspection?

13 A I do. I am aware of that, and yes, they did.

14 Q And that's pursuant to Attachment A to the  
15 subpoena, correct? I'll direct you to page 3 of the  
16 attachment which references the ability to take photos.

17 A Yes, sir.

18 Q Okay. Is that right?

19 A Yes, sir.

20 Q So in addition to going into most of the  
21 classrooms, as you testified, there was observation  
22 occurring through these -- during these inspections,  
23 correct?

24 A Yes.

25 Q Specifically by the United States experts?

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1 A Correct.

2 Q What did your staff do to prepare for the site  
3 inspections by the United States Department of Justice?

4 A In preparation, I -- I was just transparent  
5 about the visit and just alerting them that there were  
6 going to be visitors in the -- in the building. And --  
7 and my assumption is that everybody kind of did business  
8 as usual, so to speak, with -- with -- you know, with  
9 just efforts to -- to show well.

10 (Court reporter clarification.)

11 Q BY MR. HOLKINS: So you spoke with your staff  
12 in preparation for these visits, correct?

13 A That is correct.

14 Q Who else did you talk with in preparation for  
15 the site visits?

16 A With counsel and -- I mean, and staff there,  
17 sure.

18 Q Did you make any special maintenance requests  
19 in preparation for the site visits by the United States  
20 Department of Justice?

21 A Did we make any special maintenance requests,  
22 no, sir.

23 Q Were there any modifications to class schedules  
24 in preparation for these site visits?

25 A There were not.

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1 Q Any modifications to students' schedules in  
2 preparation for --

3 A There was no modifications to scheduling.

4 Q Including bus scheduling?

5 A That is correct. No.

6 Q Did you or anyone on your staff have  
7 conversations with students or their families about the  
8 visit in advance?

9 A We sent out notifications.

10 Q To all families?

11 A Yes, sir.

12 Q Were there any other communications aside from  
13 that notice with the families?

14 A No, sir, unless they called.

15 Q And did some families call?

16 A I did have a few calls.

17 Q What were those calls about?

18 A Just trying to understand what the letter was,  
19 a little bit more clarification on the letter as to who  
20 would be coming to visit.

21 Q Were there any conversations between you and  
22 your staff and Wina Lowe after the site visit?

23 A No, sir.

24 Q What about with Shaun Owen?

25 A No, sir.

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1 Q Are there other entities conducting site visits  
2 similar to the one that the United States conducted at  
3 CGCA?

4 A Not at our site, no, sir.

5 MR. DENNISON: Another point of clarification,  
6 just in terms of there was a storage facility at Coastal  
7 Georgia Comprehensive Academy. That storage facility was  
8 basically organized in the lead-up to the visit, was it  
9 not?

10 THE WITNESS: That is correct. So can I --

11 Q BY MR. HOLKINS: Please --

12 A -- retract the --

13 Q -- offer clarification.

14 A -- the -- when you are asking maintenance,  
15 there was a district-owned portion of our building that  
16 was cleaned up.

17 Q And what exactly do you mean by "cleaned up"?

18 A It -- it became like a -- a storage area for --  
19 for -- you know, from the district from -- and  
20 maintenance just cleaned up the area a little bit.

21 Q So they removed items?

22 A Yeah.

23 Q Tidied things up?

24 A Right. And we -- we -- we don't have any  
25 access to that room. I don't even have a key to that

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1 room in that -- in the building.

2 Q Okay. And so who performed that task?

3 A The district.

4 Q Was that at your direction?

5 A Yes. Like I -- I had requested that, yes.

6 Q Did you make any other requests of the district  
7 in preparation for the site visit?

8 A I did not.

9 Q Did you make any request of staff in  
10 preparation for the site visit?

11 A I did not.

12 Q Did the district make any request of you in  
13 preparation for the site visit?

14 A They did not.

15 MR. DENNISON: Off the record.

16 THE VIDEOGRAPHER: Off the video.

17 (A discussion was held off the record.)

18 THE VIDEOGRAPHER: 10:39, going back on video.

19 Q BY MR. HOLKINS: You can set aside Exhibit 401.

20 A Okay.

21 Q Mr. Ackerman, could you describe generally the  
22 structure of the GNETS program.

23 A The structure of the program is to work with  
24 students with severe emotional behavioral disorders. I  
25 am trying to help them cope with their emotional

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1 component, try to give them social skills, and trying to  
2 work on their behaviors, maintain their academic  
3 progress, and ultimately get them back to their regular  
4 school.

5 Q So just to clarify, would you say that it's one  
6 of the ultimate goals of the GNETS program to return  
7 children to their regular schools?

8 A Yes, sir.

9 Q As quickly as possible?

10 A Yes, sir.

11 Q So I appreciate that. I want to ask you about  
12 the -- the design of the program.

13 A Okay.

14 Q Could you describe how it's designed at kind of  
15 a statewide level?

16 A It's -- there is 24 GNETS in the state of  
17 Georgia. Each GNET serves multiple counties to -- and  
18 it's a K through 12 program. It's based on IEP team's  
19 decisions determining least restrictive environment and  
20 determining that the -- the supports would best be served  
21 for their educational growth in our programs.

22 Q And is there a -- there is a statewide official  
23 at the Georgia Department of Education that has  
24 responsibilities with respect to the GNETS program,  
25 correct?

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1 A Yes, sir.

2 Q That's Vickie Cleveland currently?

3 A Yes, sir.

4 Q So I want to go back to something you testified  
5 about earlier.

6 A Okay.

7 Q I had referenced, I think, a prior principal at  
8 CGCA, which is Steve Derr, and then I think there was one  
9 person who was in that role before you became principal.

10 Is that right?

11 A That is correct.

12 Q And can you remind me again who that person is.

13 A Dr. Andrea DeShazo.

14 MR. DENNISON: D-e-S-h-a-z-o.

15 Q BY MR. HOLKINS: Dr. DeShazo; is that correct?

16 A Yes, sir.

17 Q Okay. Was Dr. DeShazo in the principal role in  
18 an interim capacity?

19 A It -- it was -- it was a transition phase when  
20 Mr. Derr retired in that summer, and -- and she was in  
21 that role for like the six months until December. It was  
22 a district restructuring, I guess.

23 Q And is Dr. DeShazo, did she previously work for  
24 CGCA?

25 A She did not.

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1 Q And where -- where did she work before  
2 becoming -- taking on this interim role?

3 A She was with the district.

4 Q Okay. Was there a competitive application  
5 process to become principal at CGCA before you took on  
6 that role?

7 A For -- for me, yes, sir.

8 Q So there were other individuals who were  
9 interested in becoming principal?

10 A Yes, sir.

11 Q And you interviewed and got the job?

12 A Yes, sir.

13 Q Okay. Who was involved in that process of  
14 selecting you to become principal at CGCA?

15 A Who was in the interview committee on that?

16 Q Yes.

17 A It's a -- I -- I don't quite remember everybody  
18 that was in there. Mr. Derr was a part of the -- the  
19 interview committee. Dr. DeShazo, she was in that  
20 interview committee. I guess the head of HR would have  
21 been, Heather Bilton. There was a teacher  
22 representative. Their special ed director was in there.

23 Q For the County?

24 A That is correct.

25 MR. DENNISON: Head of HR for certified, not

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1 head of HR overall, which referring to Bilton.

2 THE WITNESS: Yes. Head of HR for certified.

3 Thank you.

4 Q BY MR. HOLKINS: To your knowledge, did the  
5 Georgia Department of Education have any involvement in  
6 the hiring process for you to become principal?

7 A No, sir.

8 Q Vickie Cleveland wasn't on the interview  
9 committee, correct?

10 A No, sir.

11 Q All right. So we're going to go to another  
12 document.

13 (Deposition Exhibit 402 was marked for  
14 identification.)

15 Q BY MR. HOLKINS: Mr. Ackerman, you have just  
16 been handed what will be marked as Exhibit 402. I will  
17 represent for the record that this was produced by  
18 Coastal Georgia Comprehensive Academy to the United  
19 States in response to the subpoena for documents  
20 described previously.

21 Have you seen this document before today?

22 A Yes, sir.

23 Q What is this document?

24 A This document is part of what was submitted as  
25 part of the subpoena.

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1 Q And did this document exist before the receipt  
2 of the United States subpoena for documents, or was it  
3 something that was created in response?

4 A Can I look over it just to make sure?

5 Q Please take your time.

6 MR. DENNISON: A point of clarification.

7 MR. HOLKINS: Yeah.

8 MR. DENNISON: He's free to answer both. He's  
9 free to answer the --

10 MR. HOLKINS: Oh, absolutely.

11 MR. DENNISON: Part of it was created and part  
12 of it is an existing document.

13 MR. HOLKINS: Absolutely. Right. And that's  
14 exactly what I was going to say, that it's -- we created  
15 this specifically for the subpoena, but the information  
16 obviously was already developed.

17 Q BY MR. HOLKINS: So there is a list of sites  
18 described in this document, the first of which is Coastal  
19 Georgia Comprehensive Academy at 2001 Cynthia Street,  
20 Savannah, Georgia 31415, correct?

21 A That is correct.

22 Q And that is the location of the standalone  
23 GNETS center operated by CGCA, correct?

24 A That is correct.

25 Q CGCA's response indicates that students were

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1 and are served at the site, including in 2019, 2020,  
2 2021, and 2022, correct?

3 A Yes, sir. Correct.

4 Q So I may refer to this center by shorthand as  
5 CGCA center just --

6 A Yes, sir.

7 Q -- as a heads-up.

8 Okay. When was this building built?

9 A I need to --

10 Q I think that I can help a little bit.

11 A Okay.

12 Q I think on page 5.

13 A Yeah, thank you.

14 Q Is it 1970?

15 A That sounds accurate, but let me -- yes, sir.

16 There it is.

17 Q What was the purpose it was originally built  
18 for?

19 A Is that -- I don't know, unless that's written  
20 on there.

21 Q I'm not sure if that's reflected in this  
22 document. Do you have any personal knowledge?

23 A I do not know. I do not know.

24 Q Do you know how its purpose has evolved since  
25 1970?

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1 A I do not know.

2 Q Do you know whether it's been used for anything  
3 other than as a GNETS facility?

4 A Not since I have been an employee, employed.

5 Q So just to be clear, you don't have any  
6 knowledge of whether prior to your joining CGCA this  
7 facility was used for something else?

8 A That is correct. I do not know.

9 MR. DENNISON: And just another point of  
10 clarification. There are students that are served under  
11 another program other than GNETS at the facility.

12 MR. HOLKINS: Right.

13 MR. DENNISON: Just to be clear.

14 MR. HOLKINS: Right.

15 MR. DENNISON: It's not all GNETS students at  
16 the facility.

17 MR. HOLKINS: Right. And we will -- we will  
18 talk about that in a second.

19 Q BY MR. HOLKINS: What changes have been made to  
20 this building since you first joined CGCA? I believe it  
21 was in 1990 --

22 A '6.

23 Q -- '6?

24 A Yes, sir. There -- there has been a couple of  
25 renovations. I know the most recent one was just a

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1 couple of years ago. Is that in this document or is that  
2 somewhere else? I don't recall.

3 Q What was the most recent renovation?

4 A I believe it was 2018. I thought that was in  
5 one of these documents but probably not this one. Okay.

6 Q So at the time you were program manager,  
7 correct? You were a program manager?

8 A Yes, sir. Yes, sir.

9 Q What were the renovations to in 2018?

10 A I believe -- I'm not 100 percent sure. I know  
11 they did some -- I wasn't part of the planning part of  
12 that, but I know some classroom improvements and so  
13 forth.

14 Q Are there any renovations currently planned for  
15 the CGCA center located at 2001 Cynthia Street?

16 A No, sir.

17 Q Can you describe the process of getting  
18 improvements made to the CGCA center? How would you go  
19 about that?

20 A I would probably first discuss that with my  
21 associate superintendent and -- and discuss the -- the  
22 need, and then looking at the process of moving forward  
23 with that and -- and just following protocol.

24 Q So there's a established protocol for getting  
25 authorization for facility improvements?

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1 A Certainly. Certainly.

2 Q And you said associate superintendent. Is that  
3 a County-level position?

4 A Yes, with the Chatham County district, yeah.

5 Q Okay. Do you know how the 2018 improvements to  
6 classrooms at CGCA center were financed? Where did the  
7 money come from?

8 A I do know that it was a partial grant, and then  
9 the district supplemented the grant.

10 Q To be clear, partial grant from the State?

11 A I'm pretty sure it was from the State. I'm --

12 Q Do you know how much --

13 A I'm not 100 percent.

14 Q -- the grant was?

15 A I do not have the exact number. Is that in  
16 there?

17 Q So just there may be some clues here on page 4.

18 A Okay.

19 Q You note that there is a permit -- I'm going to  
20 direct you to the bottom of the page.

21 A Yeah.

22 Q There is a permit for renovations --

23 A Yes.

24 Q -- in 2019.

25 A That's the -- that is it. That's correct.

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1 Q So that a million dollars is the total cost of  
2 the renovations in -- that you were referencing, right?

3 A That is exactly it. Yes, that's it.

4 Q And that was funded in part through a State  
5 grant?

6 A Yes, sir.

7 Q But you don't recall how much the State grant  
8 contribution was toward that million-dollar amount?

9 A I -- I think it was for the million, but I'm  
10 not sure.

11 Q Okay.

12 A I don't know.

13 Q So you -- it's possible that the -- the State  
14 grant was for that -- a million-dollar amount?

15 A That is correct, yes.

16 MR. DENNISON: And again, just for sake of  
17 clarity, this document is from the Tax Assessor's record.  
18 The school board does not pay taxes, but we do report  
19 when we are having a -- you know, needing it. To do work  
20 on the building, we are going to submit, and they are  
21 going to make a record of that. So that number may or  
22 may not be the actual final number. It's the number that  
23 went with the permitting process when reported to the --  
24 to the County.

25 MR. HOLKINS: Thank you, Brian. That's

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1 helpful. And so is it safe to say that this is probably  
2 the floor, but the total amount may actually be higher?

3 MR. DENNISON: It's -- it's the amount -- it's  
4 the front-end amount.

5 MR. HOLKINS: Right.

6 MR. DENNISON: Actual amounts are always  
7 different than the front-end estimates, I would think.

8 MR. HOLKINS: Okay. Thank you.

9 Q BY MR. HOLKINS: How many counties does the  
10 CGCA center serve currently?

11 A Currently one.

12 Q And how has that changed since 2015?

13 A In 2015 we served two counties.

14 Q It was Chatham and Effingham?

15 A Effingham, correct.

16 Q So let's flip ahead. And this is page 8, and  
17 you can see the pagination at the very bottom. It's very  
18 small writing, but I can help you find where I am going.  
19 CGCA, a bunch of zeroes, and then 8.

20 A Thank you.

21 Q This is a title page for site number 2, which  
22 is Rincon Learning Center. Am I saying that right?

23 A Rincon.

24 Q Rincon, I'm sorry.

25 A That's all right.

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1 Q Rincon Learning Center, and that's located at  
2 116 East Fifth Street in Rincon, Georgia 31326; correct?

3 A That is correct.

4 Q The representation made here is that the  
5 satellite site of CGCA served GNETS students in 2019 and  
6 2020, correct?

7 A That is correct.

8 Q It may already be apparent, but just to make  
9 sure it's clear for the record, why was this called a  
10 satellite site?

11 A For the -- that it was -- I guess that's what  
12 we -- we just termed it based away from the site -- site  
13 based.

14 Q Based away from the CGCA center?

15 A Right. Correct.

16 Q And initially the students at -- ended up being  
17 served in the Rincon Learning Center were at CGCA?

18 A That is correct, yes.

19 Q And then you established a satellite site and  
20 some students moved there?

21 A That is correct, the ones that were residents  
22 in Effingham County.

23 Q Okay. But that center -- excuse me. The  
24 satellite site in Rincon served only GNETS students,  
25 correct?

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1           A   The -- the Rincon Learning Center had a couple  
2 of other programs inside the -- the center. One of the  
3 programs was GNETS.

4           Q   What were the other programs?

5           A   They had their -- what they term their  
6 Crossroads program, alternative program there. I know  
7 4-H was in the building, as well.

8           Q   What's 4-H?

9           A   It's like an after-school program.

10           MR. DENNISON: Agricultural.

11           THE WITNESS: Yeah.

12           Q   BY MR. HOLKINS: Okay. Does the 4-H program  
13 serve students with -- just students with disabilities or  
14 is it integrated?

15           A   It's -- it's open for the -- to the general  
16 public.

17           Q   Okay. And the Crossroads program, is that a --  
18 a disability service program?

19           A   No, sir.

20           Q   That's open to the general public?

21           A   Right. Yes, sir.

22           Q   Okay.

23           MR. DENNISON: Just for point of clarification,  
24 I think he's saying that's a disciplinary, nature of a  
25 discipline. 4-H is an extracurricular program someone

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1 would choose to do, and it's open to anyone. Crossroads  
2 would be because there is a disciplinary issue.

3 Q BY MR. HOLKINS: Understood. Okay. So there  
4 is a referral to Crossroads because of a disciplinary --

5 A Right.

6 Q -- issue, but it's not necessarily a child with  
7 a diagnosed behavioral health condition?

8 A That is correct.

9 Q Okay.

10 A There were some students that were doing credit  
11 recovery that were also being a part of voluntarily but  
12 -- of the Crossroads, but it's -- but it was not as you  
13 described.

14 Q What was the setup of the GNETS classrooms in  
15 the Rincon Learning Center relative to the other parts  
16 of -- of the -- the center, the 4-H program and the  
17 Crossroads program?

18 A We occupied a wing, as did the other programs,  
19 and we had a common use of the cafeteria, common use of  
20 the gym, and -- and we shared a bus ramp.

21 Q So there was a -- a dedicated wing for GNETS  
22 classrooms at the Rincon Learning Center?

23 A Correct. Yes.

24 Q Did staff and students need a special badge in  
25 order to access that wing?

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1 A No, sir.

2 Q It was open?

3 A Just like our regular entrance to the building,  
4 like everybody, you know, to get into the building itself  
5 but not to that particular wing.

6 Q So there was a -- a card necessary to access  
7 the front door of the building?

8 A Correct.

9 Q But once you were in the front door, anyone can  
10 access the GNETS wing in Rincon Learning Center?

11 A That is correct.

12 Q Okay. Do you know what year the Rincon  
13 Learning Center facility was built?

14 A Unless it's written on there, I do not, no.

15 Q So on page 9 of this document there's a  
16 reference to a sale in April of 1962, so presumably the  
17 building was constructed --

18 A I see that.

19 Q -- prior to that.

20 A I do see that.

21 Q Were any renovations made to the Rincon  
22 Learning Center during the period of time when GNETS  
23 students were served there?

24 A No, sir.

25 Q Were any requests for renovations made to the

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1 district during the time that GNETS students were served  
2 at the Rincon Learning Center?

3 A No, sir.

4 Q In 2019/2020 when GNETS students were served at  
5 the Rincon Learning Center, were there specific diagnoses  
6 that the center specialized in serving?

7 A Primarily for -- for -- in our program, our  
8 students with emotional behavioral disorder and through  
9 the IEP team looking at the least restrictive environment  
10 for -- for where they can best be served.

11 Q So, I -- I don't think my -- my question was a  
12 great one, so I'm going to try again.

13 A Okay.

14 Q I'm trying to understand whether -- whether  
15 this facility was serving students who had a particular  
16 kind of diagnosis or was it just any child that met the  
17 requirements for GNETS who lived in Effingham County?

18 A Yes, correct, the latter.

19 Q The latter?

20 A On the latter.

21 Q Okay. So I -- you may have addressed this  
22 already, but I want to make sure that -- that it is  
23 addressed. Why did CGCA cease serving students at Rincon  
24 Learning Center?

25 A Why did the students from Effingham County not

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1 continue with the GNETS program? Is that --

2 Q Right. Or why did CGCA stop operating a wing  
3 at the Rincon Learning Center after the 2020?

4 A Per request by the Effingham County school  
5 board.

6 Q Okay.

7 A Yeah.

8 Q That was not a decision made by CGCA?

9 A That is correct. That was not a decision made  
10 by CGCA.

11 Q Did you have any input in that decision?

12 A I did not.

13 Q To your knowledge, did anyone at the Chatham  
14 School District have any input on that decision?

15 A I -- I do not believe that they did.

16 Q Did you have any communication with staff at  
17 the Georgia Department of Education with respect to this  
18 decision to no longer serve through CGCA students in  
19 Effingham County?

20 A I did not.

21 Q And where are the students previously served at  
22 the Rincon Learning Center in Effingham County now  
23 served; do you know?

24 A They -- they started another program called  
25 enCompass at the same location, and -- and I -- I am -- I

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1 am not up to date on where it is at this point.

2 Q Is enCompass a GNETS program?

3 A enCompass is not a GNETS program.

4 Q Do you know how it's funded?

5 A I do not know how they are funded.

6 Q Is it your understanding that the enCompass  
7 program essentially served the same population that  
8 previously was served through CGCA at the Rincon Learning  
9 Center?

10 A That would have been my understanding, yes.

11 Q And they are still operating out of that same  
12 wing that you described previously?

13 A Currently, that I don't know.

14 Q So let's move ahead to site number three. And  
15 this is page 12. This is described as a school-based  
16 program for CGCA at H.V. Jenkins High School, correct?

17 A That is correct.

18 Q So page 12 of this document represents that  
19 CGCA began serving GNETS students at this site in  
20 August of 2021, correct?

21 A Yes. Oh, yes. That is correct. That is the  
22 correct date, yes.

23 Q Previously, the students served at H.V. Jenkins  
24 through CGCA were served at the CGCA center?

25 A That is correct.

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1 Q Construction on H.V. Jenkins High School was  
2 completed in 2021, correct?

3 A That is correct.

4 Q Is it your understanding that H.V. Jenkins was  
5 designed to have a GNETS -- to house GNETS classrooms?

6 A That is correct, yes.

7 Q Could you describe generally where the GNETS  
8 classrooms are situated in H.V. Jenkins?

9 A It's occupied in a wing. The building kind of  
10 looks like a plus sign, the top of the plus.

11 Q So it's a -- it's a separate wing just for the  
12 GNETS classrooms, correct?

13 A That is correct.

14 Q Is a special badge required to gain access to  
15 the wing?

16 A Not a special badge, no, sir.

17 Q Is a badge required to gain access to the wing?

18 A A badge is required to get in, yes, sir.

19 Q So you cannot open the door unless you use the  
20 badge?

21 A That is correct, or unless somebody buzzes you  
22 in.

23 Q You can -- can you be buzzed in from the  
24 inside?

25 A You can be buzzed in from the inside.

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1 Q So the only ways to access the GNETS wing are  
2 for someone to buzz you in from the inside or to use a  
3 card to gain access?

4 A That is correct, yes.

5 MR. DENNISON: If we can go off the record for  
6 a second.

7 THE VIDEOGRAPHER: Off the video.

8 (A discussion was held off the record.)

9 THE VIDEOGRAPHER: 11:07, and we are going back  
10 on the video.

11 Q BY MR. HOLKINS: So we were just talking about  
12 the design of the GNETS wing at H.V. Jenkins.

13 A Yes, sir.

14 Q How was the decision made, to the best of your  
15 knowledge, to create a GNETS wing in H.V. Jenkins?

16 A How was the decision? I -- I really was not a  
17 part of any of that -- that development of that -- of  
18 the -- the plans for that.

19 Q Did you provide any input with respect to the  
20 decision to have a GNETS wing at H.V. Jenkins?

21 A I did not. I was not a part of that.

22 Q Do you know if Steve Derr had any role?

23 A I would assume that he had a -- a role in that.

24 Q Do you know who else was involved in the design  
25 process for H.V. Jenkins?

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1 A I do not, no.

2 (Deposition Exhibit 403 was marked for  
3 identification.)

4 Q BY MR. HOLKINS: Mr. Ackerman, you've just  
5 handed -- been handed what we are marking as Exhibit 403.  
6 This is a -- a publicly available news article from  
7 savannahnow published October 31, 2018, written by Ann  
8 Meyer.

9 I will give you a second to review the  
10 article --

11 A Thank you.

12 Q -- and I will ask you some questions.

13 A No, I appreciate that. Thank you.

14 Q Let me know when you are finished.

15 A Yes. Of course.

16 Okay. I'm ready. Thank you.

17 Q Absolutely. Have you read this article before  
18 today?

19 A I have not.

20 Q So I first want to draw your attention to  
21 the -- the budget as represented for the construction of  
22 the H.V. Jenkins High School.

23 A Okay.

24 Q This is on the first page?

25 A Yes.

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1 Q The original budget was 66.2 million, and the  
2 budget, as projected at that time in 2018, was 65.1  
3 million. Are those numbers accurate, to the best of your  
4 recollection?

5 A I do not know that.

6 Q But it also says -- the article says that funds  
7 for the project were drawn -- strike that.

8 So I want to direct you to a quote attributed  
9 to Steve Derr at the bottom of the article.

10 A Yes.

11 Q This is, excuse me, on the bottom of page 1 of  
12 the article.

13 A Okay. Yes, I'm looking at it.

14 Q At the time he was principal of CGCA, correct?

15 A Correct.

16 Q Mr. Derr is quoted as saying, "We're very  
17 excited about it because it will give our students a  
18 wealth of opportunities for being transitioned and  
19 integrated in to high school classes. They'll have more  
20 quote-unquote regular high school experiences."

21 Do you see that text?

22 A I do.

23 Q Did you share that expectation at the time?

24 A Did I share that expectation? In -- at what --  
25 what time frame?

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1 Q So at -- at the time you were employed by CGCA,  
2 correct, in 2018?

3 A I don't know if I -- and at that moment that I  
4 actually ever thought about that particular situation,  
5 just to --

6 Q Do you -- do you agree with this statement:  
7 That students at H.V. Jenkins will have a wealth of  
8 opportunities for being transitioned and integrated into  
9 high school students and a, quote/unquote, more regular  
10 high school experience?

11 A Yes. At this point in my career, yes, I would  
12 agree with that statement.

13 Q In what ways would you say that the experience  
14 of students at H.V. Jenkins are more regular high school  
15 experiences?

16 A They participate in the -- sorry, the cafeteria  
17 for lunchtime. They are with a general ed population,  
18 and so they go to their regular lunchtime with -- with  
19 everybody. They -- they go to the media center and just  
20 the -- the environment of there with the -- you know, the  
21 athletic programs, having access to attend and so forth  
22 and being -- feeling a part of the school.

23 Q And those are opportunities that the students  
24 previously did not have when they were going to CGCA,  
25 correct?

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1 A That is correct, yes.

2 Q I want to direct you to another quote.

3 A Okay.

4 Q This is on page 2 of the document. It's  
5 attributed to Asia Tinsley, interim president of the PTA.  
6 The quote is, "They'll basically be here but kind of  
7 separate. I thought the whole purpose of moving them was  
8 to make them inclusive, but it sounds -- it kind of  
9 sounds like we're separating them again."

10 Do you see that text?

11 A I do.

12 Q And previous to reading this article, were you  
13 aware of concerns about how designing the new classroom  
14 as a separate wing would keep GNETS students separate?

15 A I was not.

16 Q You had never heard this before?

17 A I have not heard that before, no.

18 Q Is it a concern for you now?

19 A No. I -- I don't view that as a concern.

20 Q Why not?

21 A Because I -- I think it's -- just the way  
22 it's -- the -- the inclusive word is, I think  
23 they're -- Ms. Tinsley perhaps is defining it, the word  
24 inclusive, in a different way.

25 Q How would you define it for purposes of the

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1 students who are at H.V. Jenkins?

2 A The -- the purpose of inclusive is -- is having  
3 the opportunities, not necessarily the -- the physical  
4 makeup.

5 Q So the fact that students at H.V. Jenkins could  
6 in theory go to the media center --

7 A Yes.

8 Q -- is the inclusion that's delivering?

9 A Correct.

10 Q Not the fact of them actually being there  
11 alongside general education students?

12 A Yes. Yes, I'm following you.

13 Q Let's leave that for now and put this aside.

14 So we are now going to show you a document via  
15 Zoom, and this is the process that I described earlier.  
16 What I will do is share my screen. It should appear on  
17 your screen.

18 A Okay. Yes, sir.

19 Q Then I will give you control, and then you can  
20 scroll up and down, which I don't think -- I think this  
21 is just one page.

22 A Okay.

23 Q And you can let me know when you are finished  
24 reviewing it, and I will take control back.

25 A Thank you.

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1 Q Stand by. Can you see my screen?

2 A I can.

3 Q And so what I'm going to do now is use the  
4 remote control function. And if you use the mouse, the  
5 cursor, you should be able to select a document.

6 A Okay.

7 Q And then you can scroll up or down. There are  
8 actually two pages to this document.

9 A Okay.

10 Q Are you able to do that?

11 A I am.

12 Q You've got it. You can zoom in if you need to.

13 A Okay. Thank you.

14 Q And just let me know when you are finished  
15 reviewing the document.

16 A Okay. I'm -- I'm ready.

17 Q This is a map of H.V. Jenkins, correct?

18 A Correct.

19 Q Is it accurate, to the best of your knowledge?

20 A To the best of my knowledge, yes.

21 Q So I'd actually like you, if possible, to  
22 indicate on the map using the highlighter tool where the  
23 GNETS wing is.

24 A Okay. Sure.

25 Q You can draw a circle, whatever works best for

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1 you.

2 A All right. I think I got it.

3 Q That's perfect.

4 So you've just highlighted a wing of classrooms  
5 toward the top of the first page of this map, correct?

6 A I did.

7 Q And this is, for the record, classrooms 1404 to  
8 1428; is that right?

9 A Yeah. Thank you.

10 Yes, that is correct.

11 Q Can you also mark at this time the front  
12 entrance for the high school.

13 A For the high school?

14 Q Uh-huh.

15 A Yes, sir.

16 Q You may need to click the highlighter again.

17 A Oh, sorry.

18 Q It's that one. Perfect.

19 A Yeah. Okay.

20 Q Okay. So that's the other side of the  
21 facility? The bottom of page 1, correct, is the front  
22 entrance?

23 A Correct, yes.

24 Q Could you make an X. And you can use the  
25 highlighter tool to indicate on this map where GNETS

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1 students enter the building.

2 A Yes, sir.

3 Q It's -- it's already clicked. You don't need  
4 to click it.

5 A Oh, it is.

6 Q Great.

7 So that's the entrance, as you've just marked  
8 on this map, leads directly to the GNETS wing that you  
9 marked previously, correct?

10 A That is correct.

11 Q And is it fair to say that students who are not  
12 enrolled in CGCA's GNETS program are entering through the  
13 front entrance which you marked previously?

14 A No, they -- that is not correct. They actually  
15 come through -- like the -- the bus ramp is off to the  
16 left there. There is like a -- do you want me to dot it  
17 right there?

18 Q That would be great. If you can maybe make  
19 another X.

20 A That's the -- the students that come off the  
21 bus.

22 Q Okay.

23 A That's the bus ramp there.

24 Q That's helpful.

25 And so students who are not enrolled in GNETS

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1 are entering a separate entrance than students who are  
2 GNETS?

3 A The whole -- correct, on the -- the door  
4 entrance. The bus ramp is the same.

5 Q Okay. The same bus ramp but different  
6 entrance?

7 A Yes. Correct.

8 Q So I should have clarified that this -- this is  
9 going to be Exhibit 404, and I think that we will -- I  
10 think it makes sense to actually introduce two copies.  
11 We will introduce a blank copy as 404, and then 405 will  
12 be the marked version.

13 A Yes, sir.

14 (Deposition Exhibit Nos. 404 to 405 were marked  
15 for identification.)

16 Q BY MR. HOLKINS: We may refer back to this --

17 A Okay.

18 Q -- but I think for now we can set it aside, so  
19 I'm going to stop sharing my screen.

20 A Okay.

21 Q Just give me one second. I'm going to just  
22 save this document so that I don't lose it.

23 A Yes.

24 Q Thank you.

25 You referred to this wing that we were just

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1 discussing. It's a GNETS wing, correct?

2 A Yes.

3 Q Is that what staff call it?

4 A Probably more referred to Coastal Georgia  
5 Comprehensive Academy's wing.

6 Q CGCA wing?

7 A CGCA wing, yes.

8 Q And do H.V. Jenkins staff who are not  
9 associated with the CGCA program also know it as the CGCA  
10 wing?

11 A I would just be speculating.

12 Q Have you -- have you heard individuals outside  
13 of the CGCA program refer to that wing as the GNETS wing  
14 or the CGCA wing?

15 A I have heard, sure.

16 Q Including students enrolled at H.V. Jenkins who  
17 are not in CGCA?

18 A That I do not know about.

19 Q So in the last five years have CGCA GNETS  
20 services been provided in any location other than the  
21 CGCA center, the Rincon Learning Center, or H.V. Jenkins?

22 A No, sir, they have not been.

23 Q What entity serves as the fiscal agent for the  
24 CGCA?

25 A The Savannah-Chatham County Schools.

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1 Q And how regularly are you interacting with  
2 personnel affiliated with the fiscal agent for CGCA?

3 A Daily.

4 Q And who specifically?

5 A Depending on what the needs are, but I am  
6 constantly in contact with my associate superintendent  
7 and my direct supervisor and -- and just with everything  
8 when it just comes to budgeting the -- that department,  
9 when it comes to hiring human resources. Everything.

10 Q I -- and I just want to make sure that it's  
11 clear for the record. Your direct supervisor as  
12 principal of CGCA --

13 A Yes.

14 Q -- is the associate superintendent?

15 A That is correct.

16 Q Who is that individual?

17 A Dr. Kim Hancock.

18 Q Do you interact with staff at the fiscal agent  
19 regarding specific students at CGCA?

20 A Yes. Yes.

21 Q What kind of discussions will you have with the  
22 fiscal agent staff specific to individual students?

23 A Attending like -- just like some -- some DPT  
24 meetings and so forth, just awareness.

25 Q What are -- what's DBT?

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1 A Oh, gosh.

2 Q Is it dialectical behavioral therapy?

3 A No, no, no.

4 MR. DENNISON: Disciplinary placement --

5 THE WITNESS: Disciplinary placement team.

6 Thank you.

7 Q BY MR. HOLKINS: DPT?

8 A DPT, sorry.

9 Q Disciplinary placement team?

10 A That is correct.

11 Q Okay. And so when would you have a DPT meeting  
12 with the fiscal agent staff?

13 A Sometimes we're invited to it to -- to listen  
14 in.

15 Q What occurs during those meetings?

16 A Just a -- a -- a -- kind of like a -- an idea  
17 of how to best serve the -- the student in -- not in  
18 placement but in going ahead in -- in trying to resolve  
19 an issue.

20 Q And would this be an issue that potentially has  
21 been flagged by staff at CGCA?

22 A No.

23 Q Oh. So what kind of disciplinary issues are  
24 being addressed?

25 A It's just that we are included in some of

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1 the -- the meetings, not just based on somebody  
2 identifying that we may be a -- a potential referral down  
3 the line.

4 Q Oh, I see. And so this is part of the referral  
5 and admission process?

6 A No. It has nothing to do with that.

7 Q Okay. I'm sorry. I'm just confused.

8 A I apologize.

9 Q So what's the purpose of the meeting?

10 A The -- the purpose is just a -- a district team  
11 meeting to -- to come up with some ideas on how to --  
12 to -- to best solve the problem.

13 Q For specific students who are enrolled at CGCA?

14 A No.

15 Q For what problem are you trying to solve?

16 A I'm -- I'm -- that's not -- I'm not a part of.

17 Q Right.

18 A I'm just a --

19 Q So what's the problem that these meetings are  
20 designed to tackle?

21 A If there is like a -- a -- a discipline problem  
22 with a student in -- in their regular school.

23 Q In the regular school, not in CGCA?

24 A Not in CGCA.

25 Q Okay.

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1 A We -- we have never had calls about our student  
2 in this -- at this meeting.

3 Q Okay.

4 A We're just -- we're just invited to this  
5 occasionally.

6 Q Thank you for bearing with me.

7 A Yeah, no, I -- I apologize.

8 Q That's fine.

9 And so these are -- you are essentially -- they  
10 are in an advisory capacity --

11 A Correct.

12 Q -- for disciplinary issues concerning students  
13 enrolled in --

14 A Right.

15 Q -- not in CGCA?

16 A Correct; that I was merely just responding to  
17 the -- the original question if we talked to the district  
18 about --

19 Q Right, right, right.

20 A -- any.

21 Q Thank you. I appreciate the clarification.

22 MR. DENNISON: If you want me to interject an  
23 addition, I will, but --

24 MR. HOLKINS: I think that we've got it now,  
25 but, thank you. I appreciate that, Brian.

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1 Q BY MR. HOLKINS: Does CGCA have a memorandum of  
2 understanding with the fiscal agent?

3 A Yes.

4 Q And what does the -- what does that MOU or  
5 memorandum of understanding provide?

6 A I -- I don't know specifically all of it, but  
7 in-kind services for providing for our -- our -- our  
8 program, staffing, building facility and such.

9 Q Is that updated on an annual basis, an MOU?

10 A I -- I don't know how often it's updated.

11 We -- we have to resubmit it each -- so yes, it would be  
12 yearly because we would have to submit the grant each  
13 year and have it re-signed, yeah.

14 Q So you are resubmitting the MOU with any  
15 proposed changes as part of your grant proposal?

16 A Exactly. Right.

17 Q And that's a proposal specifically to the  
18 district or to the -- or to the State?

19 A To the State.

20 Q To the State?

21 A Right.

22 Q Okay. Thank you.

23 And so that reflects changes proposed both by  
24 the fiscal agent and by CGCA? In other words, can you  
25 describe the process for making -- for updating the MOU

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1 before it's submitted to the State?

2 A And I -- I have never done an update, so I  
3 really don't know the -- the process, to be honest with  
4 you.

5 Q Have you had any role in submitting a  
6 application for a State grant to the Georgia Department  
7 of Education since becoming principal?

8 A For -- yes. For our State grant I have, yes.

9 Q And this -- the MOU is not attached to that  
10 State grant application?

11 A The MOU is attached.

12 Q But you have not made any updates to the MOU?

13 A That is correct.

14 Q Okay.

15 A In the -- the one year that I did it, I did not  
16 make any updates to that.

17 Q Understood.

18 So are you aware of any changes that have been  
19 made to the MOU in the last five years?

20 A I am not aware of any.

21 Q But you are familiar with the MOU in its  
22 current form?

23 A Aware of it, yes.

24 Q Have you read it?

25 A At one point.

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1 Q How recently?

2 A Probably when we submitted the State grant.

3 Q Which was when; do you recall?

4 A We typically submit the State grant June.

5 Q June of 2022 is the last, and really the first  
6 time you submitted it?

7 A Correct. No, I was a part of the 2021.

8 Q 2021 as well?

9 A Yes.

10 Q Because you joined in January --

11 A That is correct --

12 Q -- as principal?

13 A -- yes.

14 Q Okay.

15 MR. DENNISON: And one point of correction. I  
16 think I provided misinformation, but I think my  
17 misinformation helped. I think it's called the district  
18 placement team, but it does -- it is typically triggered  
19 by a disciplinary or behavior-based challenge, but it's  
20 called district placement team.

21 MR. HOLKINS: Okay. Thank you for that, Brian.

22 Q BY MR. HOLKINS: To your knowledge, are there  
23 any State audits at any of the facilities where CGAC  
24 (sic) serves students?

25 A Not that I am aware of.

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1 Q That hasn't occurred since you've become  
2 principal?

3 A That hasn't occurred since I've become  
4 principal.

5 Q And you are not aware of any prior State audits  
6 of either -- of any of the facilities that CGAC has ever  
7 operated --

8 A That is correct.

9 Q -- by the State?

10 That's correct.

11 A Yes.

12 Q Have there been any other inspections of CGAC's  
13 programs by the State since you became principal?

14 A No, sir.

15 Q What about classroom observation?

16 A Through the State?

17 Q Correct.

18 A No. None, sir.

19 Q And that's true both for CGA (sic) center and  
20 H.V. Jenkins, correct?

21 A That is accurate.

22 Q So I'd like to get through just a couple more  
23 documents, and then we will take our lunch break.

24 A Yes, sir.

25 Q Let's go to tab 4. So this is going to be 406.

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1                             (Deposition Exhibit 406 was marked for  
2 identification.)

3                             Q BY MR. HOLKINS: Mr. Ackerman, you have just  
4 been handed what we are marking as Exhibit 406. I'll  
5 represent for the record that this was a document  
6 produced by CGCA to the United States as part of its  
7 response to the United States subpoena for documents.

8                             I'll give you a moment, Mr. Ackerman, to review  
9 this document, and just let me know once you're finished.

10                          A Yes, I'm -- I'm -- that -- that is accurate.  
11 I'm familiar with it. Thank you.

12                          Q You reviewed this document before it was  
13 produced?

14                          A No. I just took a look while -- while you were  
15 talking.

16                          Q Oh, but I guess my question is, I believe you  
17 testified earlier that before CGCA sent its documents  
18 responsive to the United States subpoena --

19                          A Oh, yes, sir.

20                          Q -- you reviewed it?

21                          A That is correct.

22                          Q So you would have reviewed this --

23                          A Yes --

24                          Q -- at that time?

25                          A -- I would have. Yes.

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1 Q Okay. So I just want to have reflected in the  
2 record some of the information that's reported --

3 A Certainly.

4 Q -- on page 2 of this document. The first is  
5 that in 2019 and 2020, 145 students were served at the  
6 CGAC center location at 2001 Cynthia Street, correct?

7 A That is correct.

8 Q Including 46 elementary students, 47 middle  
9 school students, and 52 high school students. Is that  
10 accurate?

11 A According to the document that we looked at the  
12 time, yes.

13 Q And that was accurate --

14 A I wouldn't have --

15 Q (Inaudible.)

16 A -- any reason. Yeah.

17 Q And that was accurate to the best of your --

18 THE REPORTER: One at a time, please.

19 THE WITNESS: Sorry.

20 Q BY MR. HOLKINS: That figure was accurate to  
21 the best of your knowledge when you submitted this  
22 document?

23 A That is correct.

24 Q In 2020 and 2021, that school year, as  
25 reflected in this document, a total of 113 students were

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1 served at that same location, 2001 Cynthia Street,  
2 correct?

3 A That is correct.

4 Q And then now, the most recent or the last  
5 school year, 2021 to 2022, a total of 46 students were  
6 served at the CGAC center location, correct?

7 A That is correct.

8 Q So you would -- would you attribute the decline  
9 in enrollment from 2021 to 2022 to be part of reflection  
10 of the opening of H.V. Jenkins, correct?

11 A Yes, and because the -- the numbers -- because  
12 that's just talking about CGCA students.

13 Q Right.

14 A Correct.

15 Q Enrollment also decreased between 2019/2020,  
16 and 2020 and 2021 at CGAC center, correct?

17 A That is correct.

18 Q What's your understanding of why enrollment  
19 decreased?

20 A My -- my best assumption would be during the  
21 pandemic there was a lot -- there were a lot less  
22 referrals. We were not getting referrals because  
23 students were virtual, and there was -- in the district,  
24 there was a lot of students with the -- the pandemic, and  
25 so we were not getting referrals that we typically get in

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1 a year.

2 Q Is that a topic that you discussed with staff  
3 at the fiscal agent?

4 A No, I don't -- I don't think like in any  
5 official capacity with that, no.

6 Q Uh-huh. Is that a topic that came up in the  
7 monthly meetings with GNETS program directors and Vickie  
8 Cleveland?

9 A No. No.

10 Q So skipping down to the second paragraph, also  
11 on page 2 of this document, which is Exhibit 406, the  
12 document reflects that a total of 47 students were  
13 reserved -- were served at Rincon Learning Center in 2019  
14 and 2020, correct?

15 A That is correct.

16 Q Specifically of those 47 students, 11 were  
17 elementary school students, 8 were middle school  
18 students, and 20 were high school students. Is that  
19 accurate to the best of your knowledge?

20 A Yes, it is.

21 Q And as you testified, GNETS services for  
22 Effingham students provided by CGCA ceased after that  
23 school year?

24 A That is correct.

25 Q And then finally, on the third paragraph of

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1 this same page, the document reflects that a total of 47  
2 students are served at the CGCA school-based location at  
3 Jenkins High School, correct?

4 A That is correct.

5 Q Do you anticipate changes to enrollment at  
6 either CGAC center or H.V. Jenkins for the upcoming or  
7 for the present school year?

8 A Just based on we -- we have gotten a more  
9 accurate round of referrals that we've had in previous  
10 years, so my assumption would be yes, but it's too early  
11 in the year to really determine that.

12 Q So your -- just to make sure I understand, your  
13 assumption is that you are going to see an uptick in  
14 enrollment at both CGAC center and at Jenkins High School  
15 because of more referrals coming in?

16 A Yes. Not necessarily --

17 Q Do you know --

18 A I'm sorry. Not necessarily more referrals but  
19 more like typical to what we would expect during a school  
20 year.

21 Q Typical prepandemic?

22 A Correct.

23 Q And it's fine if you don't know this, but do  
24 you have a ballpark estimate as to how many students are  
25 currently enrolled at CGAC center?

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1           A    Currently it would -- it would just be a guess  
2 of -- of numbers. Probably very similar to the numbers  
3 that we ended with last year, so those numbers would  
4 probably be pretty accurate as to where we are, give or  
5 take ten on either side; ten less, ten more.

6           Q    Got it.

7           A    Don't know.

8           Q    So somewhere in between 37 and 57?

9           A    For which site are we talking about?

10          Q    CGAC center -- or, I'm sorry, for -- yes, for  
11 the -- let's start with CGAC center. I'm sorry --

12          A    Okay. No.

13          Q    -- if I got that mixed up.

14          A    And that would be a good guess, yes.

15          Q    Okay. And then what about for H.V. Jenkins?

16          A    Very similar, plus or minus ten on either side,  
17 I would think.

18          Q    As last year?

19          A    As last year.

20          Q    But you expect that -- you are assuming that  
21 enrollment may increase because of enrollment -- or,  
22 excuse me, referrals returning to their prepandemic norm?

23          A    It's potential based on the -- whether the IEP  
24 team determines that, that where the -- the LRE for the  
25 student.

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1                   MR. DENNISON: And one point of clarification,  
2 I apologize. But you referred to the -- that number was  
3 referring to elementary students, but there is also the  
4 middle school students that are also in the center. So  
5 that number that you are referring to is just the  
6 elementary school number and not the elementary and the  
7 middle school number in the document?

8                   MR. HOLKINS: Right.

9                   Q BY MR. HOLKINS: And so I -- I was definitely  
10 trying to capture both the elementary and the middle  
11 school at CGAC center, and my understanding of your  
12 testimony is that between 35 and 55 students are  
13 presently enrolled at CGAC center inclusive of both  
14 middle school and high school?

15                  A    Correct.

16                  Q    And elementary school?

17                  A    Correct.

18                  Q    Okay. And then also roughly 37 to 57 students  
19 are presently enrolled at CGAC's school-based location at  
20 H.V. Jenkins?

21                  A    That would be correct, yes.

22                  Q    Okay. Have you assessed what additional  
23 staffing needs CGAC may have if there is an increase in  
24 enrollment due to an increase in referrals?

25                  A    Currently we -- we have always been an

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1 understanding that our population fluctuates throughout  
2 the school year, and so the -- the classrooms are pretty  
3 established for the school year, and -- and we understand  
4 that the -- the numbers of students in each of the  
5 classes are going to fluctuate whether, you know, for  
6 coming in, going out, and so that number does change.

7 Q Do you have a maximum capacity for the students  
8 at CGAC center, the maximum number that you can serve  
9 based on existing staffing?

10 A Yes, we -- I -- I apologize for whatever the --  
11 the State guidance is on that.

12 Q It's based on State guidance?

13 A Correct, on the maximum.

14 Q And is that true for H.V. Jenkins as well, the  
15 maximum number of students that you could serve would be  
16 established under State guidelines?

17 A That's correct.

18 MR. HOLKINS: I think this is a good time.  
19 Let's take a break.

20 THE VIDEOGRAPHER: It's 11:40, and we are going  
21 off the video.

22 (The deposition was at recess from 11:40 a.m.  
23 to 12:49 p.m.)

24 THE VIDEOGRAPHER: We are back on the video  
25 after lunch. It's now 12:49.

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1 Q BY MR. HOLKINS: Welcome back, Mr. Ackerman.

2 A Thank you, sir.

3 Q I've just got a couple more questions for you  
4 before we move to a new topic.

5 A Okay.

6 Q So did CGCA serve students from Effingham  
7 County before 2019/2020 when you all were operating the  
8 satellite location at the Rincon Learning Center?

9 A Yes. So there was one additional year that  
10 they were there.

11 Q Okay. So at the Rincon Learning Center?

12 A At the Rincon Learning Center, correct.

13 Q Prior to that, to opening that satellite  
14 location --

15 A Yes.

16 Q -- was CGCA serving students from Effingham  
17 County?

18 A They were.

19 Q And that was at the Coastal Georgia  
20 Comprehensive Academy center?

21 A That is correct.

22 Q Okay. And at that time, before you all opened  
23 the -- the satellite location at the Rincon Learning  
24 Center, how were students assigned from Effingham County  
25 to CGCA? What was the process for determining what

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1 location they would go to?

2 A For -- that they would be assigned to the GNETS  
3 program; is that the question?

4 Q So let me just --

5 A Sure.

6 Q -- step back. And so at that point there  
7 was -- was there only one location operated by CGCA that  
8 Effingham served -- the County students were served at?

9 A Okay. Correct. Now I understand your  
10 question. Yes, there -- there was only one site for --  
11 for the GNETS program at that time.

12 Q Okay. And that was at the -- the Cynthia  
13 Street location?

14 A That is correct.

15 Q Okay. Was there a separate process for  
16 eligibility for students from Effingham County versus  
17 students from Chatham County?

18 A No. No difference. Same process.

19 Q Did diagnosis factor into the -- this would  
20 really be for the period of time when the Rincon Learning  
21 Center was in place. Did diagnosis factor at all into  
22 the assignment decision of whether they would go to  
23 Rincon Learning Center versus CGCA, which is purely based  
24 on where they were from?

25 A Now, if I'm understanding it, the diagnosis of

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1       their eligibility?

2           Q    Right. I'm trying to understand whether the  
3       only factor that decided whether students from Effingham  
4       County went to Rincon Learning Center was the fact that  
5       they were from Effingham County, or did diagnosis also  
6       play a role in their assignment to Effingham, to the  
7       Rincon Learning Center?

8           A    They -- because they were Effingham County --

9           Q    Right.

10          A    -- they were served -- when we moved out to the  
11       Rincon Learning Center, they were served in Effingham  
12       County.

13          Q    Okay. Is transportation provided for students  
14       attending school at CGCA?

15          A    Yes, it is.

16          Q    That's both at the CGCA center and H.V.  
17       Jenkins, correct?

18          A    That is correct.

19          Q    By -- what entity provides transportation for  
20       those students?

21          A    That's through the district.

22          Q    So the school district pays for the  
23       transportation cost?

24          A    That is correct.

25          Q    What is the range of duration for the bus rides

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1 for students attending CGAC center?

2 A I do not know the -- the specific answer to  
3 that. I can estimate that as close as some of them, 15,  
4 20 minutes to maybe upwards of an hour and a half to two  
5 hours. I don't know.

6 Q So there are some students, to the best of your  
7 knowledge, who have bus rides, daily bus rides, one-way  
8 bus rides of an hour and a half to two hours to get to  
9 CGAC center; is that correct?

10 A Potentially, yes.

11 Q Do you know approximately how many students  
12 have bus rides of over an hour one way?

13 A I do not.

14 Q Do you have a sense of what the average is for  
15 the CGAC center, the amount of time they are spending on  
16 a bus one way?

17 A I do not know what that average would be.

18 Q Is that something that you look at on a regular  
19 basis, data around amount of time kids are spending on  
20 busses?

21 A I -- I do not look at that data.

22 Q Do you know if any staff at CGAC are looking at  
23 that information?

24 A Not that I am aware of, no.

25 Q Does an hour -- does an hour and a half strike

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1 you as a long time to be on a bus to get to school every  
2 morning?

3 A I'm not sure. I mean, I -- I don't really know  
4 how to classify that as far as comparing it, so I -- I --

5 Q Would you describe it as a long time?

6 A An hour and a half, I -- I would describe it as  
7 a lengthier time, yes.

8 Q Uh-huh. What about at H.V. Jenkins? We just  
9 spoke about CGAC center. Are there students at H.V.  
10 Jenkins who have one-way bus rides of an hour or more?

11 A I would assume, yes. Yes.

12 Q Are there students at H.V. Jenkins who have  
13 one-way bus rides of two hours or more to get to school?

14 A I wouldn't think so.

15 Q Do you also not have a sense of the average  
16 amount of time that students enrolled in H.V. Jenkins are  
17 spending on the bus?

18 A That is correct. I do not have the average.

19 (Deposition Exhibit 407 was marked for  
20 identification.)

21 Q BY MR. HOLKINS: Mr. Ackerman, you've just been  
22 handed what we are marking as Exhibit 407.

23 A Yes, sir.

24 Q I will note for the record that this is a  
25 document produced by CGCA to the United States in

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1 response to our subpoena for documents. Please take a  
2 moment to review the document and let me know when you  
3 are finished.

4 A I'm ready. Thank you.

5 Q So the title of the document is the "Bell Times  
6 for School Year 2021-2022." It's for Savannah-Chatham  
7 County Public School System. Is that accurate?

8 A That is correct.

9 Q Have you seen this document before?

10 A I have.

11 Q I want to direct you to the bottom of the  
12 second page of the document under "Alternative Learning."  
13 There is an entry or series of entry for Coastal Georgia  
14 Comprehensive, correct?

15 A Correct.

16 Q It lists bell times, bus arrival, breakfast,  
17 and bus departure; correct?

18 A Yes. Correct.

19 Q My first question to you is whether this is  
20 specifically for CGAC center, or would this also apply to  
21 H.V. Jenkins?

22 A The -- the Jenkins is on the Jenkins bell time,  
23 so that's listed there under the high school.

24 Q I appreciate that. And so the Jenkins bell  
25 times are the same for GNETS students and the general

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1 education --

2 A That is correct.

3 Q Okay. CGAC is -- the center is K -- K through  
4 8, correct?

5 A That is correct.

6 Q And there are a number of other K through 8  
7 schools identified on this document, correct?

8 A That is correct.

9 Q Those schools generally start -- in fact, they  
10 all start at 8:15. Is that accurate?

11 A That is correct.

12 Q That's when the bell time is?

13 A Yes.

14 Q Coastal Georgia Comprehensive Academy center  
15 starts at 9:15, correct?

16 A That is correct.

17 Q Is that still true?

18 A That is. It's still true, yes.

19 Q Why does Coastal Georgia Comprehensive start at  
20 9:15 as opposed to 8:15?

21 A I think it's strictly with transportation being  
22 able to -- to tier the -- the buses, and so that aligns  
23 with a lot of the elementary programs with their -- their  
24 start times, their bell times.

25 Q But there are middle school students, as well,

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1 at Coastal Georgia?

2 A That is correct.

3 Q And middle schools -- other middle schools  
4 identified on this list are starting as early at 7:40,  
5 correct?

6 A That is correct.

7 Q So that you would attribute the later start  
8 time at Coastal Georgia Comprehensive center to the  
9 transportation needs; is that accurate?

10 A That is correct.

11 Q Is the total amount of instructional time at  
12 Coastal Georgia Comprehensive center equivalent to what  
13 you would expect in other K-8 schools?

14 A Yes.

15 Q Has that always been the case, to your  
16 knowledge?

17 A Yes.

18 Q We can put this to the side.

19 I may have spoken a little bit too soon. I  
20 would pick it up just for a couple of more questions.  
21 I'm sorry.

22 A Yes, of course.

23 Q We're -- we're back with Exhibit 407. For H.V.  
24 Jenkins, which is under high schools on this list, the  
25 bus departure time is 2:45, correct?

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1 A Yes.

2 Q And is that the same departure time for both  
3 students enrolled through CGAC and general education  
4 students?

5 A Yes.

6 Q All right. Now we are done. Thank you.

7 So I'm going to pull back up the -- an earlier  
8 exhibit. This is 405, the version that you marked. It's  
9 the map of Jenkins.

10 A Yes.

11 Q Give me one second and I will show it to you.

12 So I have just published what we previously  
13 marked as Exhibit 405, and you will note this is the copy  
14 you marked using the highlighter.

15 So for GNETS students who are receiving -- who  
16 are going to school in the -- the wing that you  
17 identified, where are they dropped off?

18 A Right on -- can I -- it's just right on that  
19 bus ramp. Do you see where the -- the parking spaces  
20 are? It's just along parallel with the -- yes. Exactly.  
21 Parallel.

22 Q I'm gonna just make another mark here. Is that  
23 it there?

24 A That is correct.

25 Q Okay.

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1 A And then the buses line up all the way around  
2 the curve.

3 Q Okay. And so is -- this is the same bus ramp  
4 for both general education and for GNETS?

5 A That is correct.

6 Q Do the buses drop off at a slightly different  
7 location for the general education students or is it the  
8 same place?

9 A It's all -- it's wherever their bus is,  
10 wherever their bus is parked.

11 Q Wherever it's parked. Okay.

12 What about for students who are not traveling  
13 by bus who may be dropped off by their parents? Are they  
14 still being taken to this location here, or can they  
15 enter through the main entrance in the front of the  
16 building?

17 A Are we referring to our students?

18 Q I'm sorry, the CGAC students at -- at H.V.  
19 Jenkins.

20 A Right. We -- we -- we only have like about two  
21 or three that are not bus riders. They get dropped off  
22 right in the area there, as well. If they are late to  
23 school, then they come through the front door.

24 Q Okay. And when you said in that area, you are  
25 talking the same one where the other kids entered --

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1 A That is correct, yes.

2 Q -- the main entrance for the GNETS wing?

3 A That is correct, yes.

4 Q Why is it that they are entering through the  
5 main entrance if they are late?

6 A Just Jenkins policy. Just come in, just  
7 checking in. Parent sign-in, I assume.

8 Q Okay. I will put this aside for now.

9 A Uh-huh.

10 Q I apologize if we covered this before. I just  
11 want to make sure that we did. Why are there separate  
12 entrances for GNETS-enrolled students at H.V. Jenkins and  
13 non-GNETS enrolled students at H.V. Jenkins?

14 A Simply we -- our bathroom is down on that side,  
15 and it's just a convenience when they walk through the  
16 door that the bathroom is the first spot that they walk  
17 in.

18 Q Is that also true for the general education  
19 students, that the bathroom is the first thing they see  
20 when they walk in?

21 A That I don't know. I don't know where the --

22 Q Have you -- so have you been -- let's pull back  
23 up the map. So general education students who are  
24 dropped off via bus are entering here, correct?

25 A Correct.

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1 Q Do you know whether the first thing they see is  
2 a bathroom?

3 A There would not be a bathroom the first thing  
4 they saw.

5 Q Okay. But that's the -- the reason that you --  
6 you offered for why you have a separate entrance for --

7 A That is correct --

8 Q -- GNETS?

9 A -- yes.

10 Q Is there any other reason?

11 A That is our reason, yes.

12 Q Was that, to the best of your knowledge, the  
13 reason when this facility was designed to have a separate  
14 room?

15 A That -- I do not know if it was designed for  
16 that. That was just a decision based on the team at  
17 the -- at the school at that time, to go ahead and just  
18 access that one for -- for helping out with that.

19 Q And who was on that team that made the decision  
20 to use the --

21 A Just our -- our high school team, our program  
22 manager, social worker, teachers, high school.

23 Q So this was a CGAC decision?

24 A That's correct.

25 Q Who is the principal for the general education

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1 school at H.V. Jenkins?

2 A Dr. Handy.

3 Q Dr. Handy?

4 A Yes.

5 Q Did she have any input on the decision to use a  
6 separate entrance?

7 A She did not.

8 Q Do you know what the average length of  
9 enrollment is for students at CGAC center?

10 A I do not know that answer.

11 Q Do you know what the average length of  
12 enrollment is for students at the H.V. Jenkins GNETS  
13 wing?

14 A I -- I do not know.

15 Q Are you able to provide a range for the  
16 shortest and longest periods of enrollment for CGAC  
17 students?

18 A I would -- it -- it's -- it varies based on a  
19 lot of -- there is some students that move into the area  
20 and move out of the area. Lots of factors that -- that  
21 create the change, so, I mean, it has been as short as a  
22 couple of weeks, and -- and then -- and then there has  
23 been some that have been there for -- for several years.

24 Q Do you have some students presently enrolled at  
25 CGAC center who have been there several years?

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1 A Yes.

2 Q Is that more than three years?

3 A When you're asking the question if I -- yes.

4 Yes.

5 Q More than five?

6 A There would be some of more than five. That is  
7 correct.

8 Q Have there been students who have done their  
9 entire K through 8 grade education at CGAC center?

10 A Not that I am aware of.

11 Q As part of your duties as principal at CGAC, do  
12 you assess length of enrollment on a regular basis?

13 A No. I -- I -- that -- that's not the -- I do  
14 not use that as a criteria.

15 Q Do you have a target length of enrollment for  
16 students at CGAC?

17 A I do not.

18 Q Have you ever had discussions with anyone at  
19 the fiscal agent about length of enrollments at CGAC?

20 A No.

21 Q Have you had discussions with Vickie Cleveland  
22 or anyone at the State Department of Education regarding  
23 length of enrollment?

24 A I have not.

25 Q The topic has never come up in meetings with

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1 GNETS program directors and Vickie Cleveland?

2 A It has not.

3 Q In the past year have students enrolled at CGAC  
4 been placed into residential treatment facilities?

5 A The -- I -- I believe so, but I think we have  
6 that on the documents. Did we -- is that -- to -- if I  
7 could reference. I don't know exactly the numbers of  
8 that.

9 Q Right. And I will definitely show you the  
10 document, but before we get there, what is a residential  
11 treatment facility as you understand it?

12 A Like a hospitalization or a -- or a -- is that  
13 what you are referring to, a hospitalization or a --

14 Q I am. Yeah, I'm just understanding -- I'm just  
15 trying to get a sense of what your understanding of what  
16 that level of care is, a residential treatment facility.

17 A Yeah.

18 Q What is the setting?

19 A My understanding of a setting would be like if  
20 we're talking about the same thing, the hospitalization,  
21 some kind of external program.

22 Q Does -- do staff at CGAC participate in the  
23 determination regarding whether a student enrolled at  
24 CGAC needs to be in a residential treatment facility or a  
25 hospital?

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1 A We do not.

2 Q Who is responsible for that?

3 A That would be the guardian and/or parent.

4 Q Are you -- are you able to give us a sense of  
5 the shortest time -- amount of time that a student has  
6 been in CGAC without moving out of the county?

7 A Okay. We've -- several months.

8 Q That would be the lower end?

9 A The lower end, correct.

10 Q So those would be students who after several  
11 months are moving to a -- back to a general education  
12 school?

13 A Or a least restrictive environment.

14 Q A less restrictive environment?

15 A Less restrictive environment.

16 Q Okay. Thank you.

17 Is that a common occurrence, for students to be  
18 leaving CGAC after several months, just a few months, to  
19 return to a -- a less restrictive environment?

20 A It -- it really does vary with.

21 Q Has it -- has it happened more than five times  
22 in the last school year?

23 A I really don't know the answer to that,  
24 honestly.

25 Q What is your role -- actually, we'll hold on to

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1 that for a little bit. Let's go ahead and show another  
2 document.

3 (Deposition Exhibit 408 was marked for  
4 identification.)

5 Q BY MR. HOLKINS: You've just been handed what  
6 we are marking as Exhibit 408 for the record. This is a  
7 document produced by CGCA to the United States in  
8 response to the United States subpoena for documents.

9 I'm going to ask you just a few targeted  
10 questions about this document. If you want to take some  
11 time to review it, you are welcome to do so.

12 A Okay. Yeah, just an extra minute to just look  
13 at it. Thank you.

14 Q And then I will direct you in particular to  
15 page 18 --

16 A Okay.

17 Q -- which is going to be the major subject for  
18 our discussion.

19 A Thank you.

20 Okay. I'm ready.

21 Q Okay. So page 18 of this document, which has  
22 the title Attachment A; Documents 4 and then parentheses  
23 (page 4), reports that seven students -- just give me one  
24 second. It's -- actually, flip back a couple of pages to  
25 page 16.

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1 A 16.

2 Q You probably saw what -- what was happening  
3 here, didn't you? This is really the -- the right page.  
4 Page 16 references the number of students in 2022 who  
5 were placed in residential treatment from CGAC. Is that  
6 accurate?

7 A Yes.

8 Q And that number is seven?

9 A Okay. I do see that, yes.

10 Q What involvement did you have with respect to  
11 the determination that these children, these seven  
12 children in 2022, needed to be in a residential treatment  
13 facility?

14 A We -- we didn't have any input in that. We  
15 just helped support the -- the -- in when they were in  
16 the short-term facility, we would help support that with  
17 the academics and so forth with materials and so forth  
18 for learning.

19 Q Can you describe what that entails, providing  
20 academic support while they are in a residential  
21 facility?

22 A They -- each of those usually have a designated  
23 employee of the -- the school board that helps facilitate  
24 that, and we -- we help communicate with that person to  
25 go ahead and get what classes they are in and so forth.

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1 Q And are those services provided for the  
2 duration of the residential treatment facility stay?

3 A As far as I am aware, yes.

4 Q So let's now flip back to page 12, which is  
5 going to show a similar data for 2021.

6 A Uh-huh. Okay.

7 Q I just want to confirm that based on this  
8 report, and there were three children enrolled at CGAC  
9 who were placed in residential treatment in 2021; is that  
10 correct?

11 A That is correct.

12 Q Okay. And then to complete the cycle, page 8  
13 will show the same data for 2020. Do you see where I am?

14 A I am. I do see. Thank you.

15 Q And there are -- there were five students  
16 enrolled at CGAC who were placed in residential treatment  
17 during 2020; is that correct?

18 A That is correct.

19 Q Is this data that you are assessing regularly  
20 as part of your duties as principal?

21 A I apologize. Can you please repeat that.

22 Q Sure. Are you assessing this data with respect  
23 to placements in residential treatment regularly as part  
24 of your duties as principal?

25 A As -- as keeping track of it, yes, sir.

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1 Q You are keeping track of it, but are you -- why  
2 are you keeping track of it?

3 A The -- this is actually a part of our  
4 submission for the State grant, so we -- we supply that  
5 information.

6 Q Does the State require you to report on the  
7 number of children placed in residential treatment?

8 A They do.

9 Q And do you track or assess this data for any  
10 other purpose other than reporting to the State with your  
11 State grant application?

12 A This is the purpose, yes.

13 Q Do you discuss this data with respect to  
14 residential placements with Vickie Cleveland?

15 A I have not spoken to her about that, no.

16 Q Has the number of residential placements for  
17 GNETS-enrolled students been a topic of discussion at the  
18 monthly meetings with GNETS program directors in between?

19 A Not since I have been there, no.

20 Q Has this been -- has this topic been a subject  
21 of discussion with the fiscal agent?

22 A No.

23 Q Does CGAC keep attendance records for which  
24 students attend school each day?

25 A Yes.

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1 Q Who collects that data?

2 A Our student information specialist, teachers  
3 submit.

4 Q To make sure I understand, teachers are  
5 submitting the attendance data for the students in their  
6 classes?

7 A In their class.

8 Q And then you have an individual who collects  
9 that data for purposes of reporting it to you?

10 A To the district.

11 Q To the district?

12 A Yes, sir.

13 Q Is that data maintained in a central database  
14 at CGAC?

15 A Yes.

16 Q Do you individually review attendance data?

17 A We have an attendance team that we meet weekly  
18 to discuss students that are problematic with their  
19 attendance.

20 Q At what point does attendance become  
21 problematic, in your words?

22 A I -- any -- anybody who is on the team  
23 identifying a certain amount of consecutive days of  
24 missing. Our information specialists will certainly  
25 alert us if a student has been out for more than three

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1 days in a row and so we can be aware of that and at least  
2 bring it up for discussion and somebody check and see  
3 what's going on.

4 Q What if a student had one or two consecutive  
5 absences that were occurring, not necessarily -- let me  
6 try this again.

7 You just said that if a student had three  
8 consecutive absences you would expect that to be  
9 discussed among the attendance team, correct?

10 A Correct.

11 Q And what -- are there other circumstances where  
12 a student's attendance issues would arise and would be  
13 discussed?

14 A We -- potentially if -- like on a daily basis  
15 we would have our program manager talk with our social  
16 work tech that's assigned to those students, and we would  
17 do a checkup call and find out where they are that day.  
18 We usually keep track pretty accurate daily of our  
19 students.

20 Q So if a student doesn't show up for school one  
21 day, what is the response from CGAC?

22 A We'll -- we'll check to see if there was some  
23 notification prior to that so we have some advance notice  
24 through our student information specialist or a teacher.  
25 If there is no reason for their absence and we don't

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1 know, we will have a social worker make contact just to  
2 find out if -- where they are that day and check up on  
3 them, but we don't really start discussing it as being a  
4 chronic issue until it's a number of days.

5 Q Okay. Do you know what the average attendance,  
6 daily attendance rate is at CGAC?

7 A That I do not know.

8 Q Is that data that CGAC tracks?

9 A It's tracked, yes.

10 Q So you could find out what the average daily  
11 attendance rate is?

12 A I could.

13 Q Would you expect the student information  
14 specialist to maintain that data?

15 A Yes.

16 Q And who is that individual?

17 A Ms. -- she just changed her name -- Martins.  
18 Sorry. I apologize.

19 Q Thank you. Ms. Martins?

20 A Yes.

21 Q Does CGAC have a target for average daily  
22 attendance rate?

23 A We do not have a specific target that we're  
24 addressing.

25 Q Has CGAC ever, to your knowledge, since you

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1 joined the staff in 1996, ever had a target daily  
2 attendance rate?

3 A Not to my knowledge.

4 Q Do you have any concerns at present as  
5 principal about the daily attendance rate at CGAC?

6 A I do not. I -- I do believe we have a pretty  
7 comprehensive approach to contacting the students and --  
8 and making sure on attendance with -- with how we're --  
9 that we address it.

10 Q Could you describe the pieces of that  
11 comprehensive approach, and particularly for those  
12 students that have recurring absences, such that their  
13 case would be discussed among the attendance team?

14 A Certainly. If -- if there is a student that's  
15 a chronic absence, we'll -- we'll talk about situations  
16 as to what's already been done so far as to what kind of  
17 contacts we have made, what the social worker has done  
18 already to go ahead and address this and -- and try to  
19 figure out what is the issue that's coming -- that's  
20 causing this. And -- and then try to develop some kind  
21 of action plan as to how we're gonna move forward with  
22 addressing the absences of -- you know, in -- in whatever  
23 creative capacity that we could to go ahead and -- and  
24 try.

25 In extreme cases we -- you know, we will

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1 contact DFCS if it's an -- if it's an issue that's a  
2 serious situation that we've made all these attempts, we  
3 have done these action plans and we're -- we're concerned  
4 for the well-being.

5 Q Can you just define for the court reporter what  
6 DFCS is?

7 A Sure. Another one of those acronyms.

8 MR. DENNISON: Department of Family & Children  
9 Services.

10 THE WITNESS: Thank you.

11 Q BY MR. HOLKINS: Got it. And it's known by  
12 DFCS; is that right?

13 A DFCS, correct.

14 Q Okay. So short of notifying DFCS, what are the  
15 creative strategies that CGAC uses to re-engage students  
16 that have recurring absences?

17 A Certainly. And all the -- all the situations  
18 vary based on the individual. Sometimes maybe we'll have  
19 a -- a -- a student that's -- the parent isn't getting  
20 them up to get on the bus in the morning and they are  
21 constantly missing the bus, and after we discover what's  
22 going on, we come up with a -- a plan, like a -- you  
23 know, with going back to our PBIS, positive incentives  
24 for them to earn points to go ahead and get on the bus,  
25 and we provide that so they take some ownership and

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1 maybe, you know, we -- we try to reach out to the parent  
2 with a couple extra calls maybe to try to get them in  
3 gear, so...

4 Q In your experience, has the -- the duration of  
5 bus rides to CGAC ever impacted daily attendance for  
6 students?

7 A I -- I would not -- I could not say that it's  
8 never impacted it. I would assume that at different  
9 times it has impacted. Is it -- is it the overriding  
10 issue, no.

11 Q Just to try again, are there students for whom  
12 the length of their bus ride to CGAC is a barrier to  
13 regular attendance?

14 A A barrier to successful bus rides but not  
15 necessarily towards attendance, because we're -- we do  
16 work on some -- giving them, you know, what we can do,  
17 and with like a -- allow them to have music in there and  
18 headsets, and so we -- we try to accommodate.

19 Q Can you just describe what you mean by  
20 "successful bus rides."

21 A Successful bus rides without any behavioral  
22 issues.

23 Q So some students, if I'm understanding you  
24 correctly, experience behavioral challenges as a result  
25 of the length of their bus rides?

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1 A I -- I couldn't attribute it exclusively to  
2 that.

3 Q But that's a factor?

4 A Contributing.

5 Q It's contributing?

6 A Perhaps.

7 Q Is the length of a bus ride for certain  
8 students a barrier to participating in extracurriculars?

9 A No.

10 Q All students are able to participate in the  
11 full range of extracurriculars at CGAC regardless of  
12 their bus time?

13 A Regardless of their bus time. Whatever is  
14 going on.

15 Q Do attendance rates affect the funding that you  
16 receive from the State in any way?

17 A Not that I am aware of.

18 Q Do daily attendance rates for students at CGAC  
19 affect the funding that CGAC receives from the district  
20 in any way?

21 A No.

22 Q This is a previously stamped document.

23 Mr. Ackerman, I've just -- we've just handed  
24 you what was previously marked as Exhibit 82.

25 A Okay.

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1 Q Have you seen this document before?

2 A Yes, I have seen this before.

3 Q Is this a rule governing the GNETS program?

4 A Please repeat.

5 Q Is this a -- a rule issued by the State  
6 governing the GNETS program?

7 A That is correct, yes.

8 Q And when -- you mentioned you've seen this  
9 document before, correct?

10 A Correct.

11 Q And when did you see this document?

12 A Just in referencing on the Web site.

13 Q Which Web site?

14 A GaDOE's Web site.

15 Q The Georgia Department of Education's Web site?

16 A Yes.

17 Q Have you referenced this document since  
18 becoming principal at CGAC?

19 A Yes.

20 Q For what purpose?

21 A I don't specifically recall.

22 Q Have you received any training on the  
23 requirements under this rule for GNETS?

24 A Not from -- not any official training, no.

25 Q Any informal conversations about this rule?

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1 A Informal conversations, sure, yeah.

2 Q With -- with who?

3 A With, you know, the principal at the time when  
4 I was not principal and so forth.

5 Q Would that be Steve Derr?

6 A That would be correct.

7 Q Have you ever had conversations with any staff  
8 at the Georgia Department of Education's -- with the  
9 Georgia Department of Education regarding this rule?

10 A I -- I don't believe so. I'm -- I'm sure parts  
11 of it have come up in topics.

12 Q Just to make sure I understand your  
13 testimony --

14 A Yeah, no, I understand.

15 Q -- you think that this -- it's possible that  
16 parts of this rule have come up in discussion with the  
17 Georgia Department of Education staff?

18 A I would think like during some of our meetings,  
19 like portions of it.

20 Q Would that be your meetings -- by "meetings,"  
21 are you referencing the -- the monthly meetings between  
22 the GNETS program directors and Vickie Cleveland?

23 A I am.

24 Q Do you recall specific topics with respect to  
25 this rule that have come up in discussions between the

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1 GNETS program directors and Vickie Cleveland?

2 A I do not.

3 Q Are you aware of whether any changes have been  
4 made since 2017 to this rule?

5 A Not that I am aware of.

6 Q And when you reviewed this document after  
7 becoming principal at CGAC, did you specifically review  
8 the duties and responsibilities of GNETS's program --  
9 programs which start on page 5 and run to page 7?

10 A Once again, I -- I don't recall exactly why I  
11 referenced it, but I'm sure I looked over that.

12 Q So we're going to set this one aside, but we're  
13 going to be referring to it off and on, so keep it close  
14 by.

15 A Yes, sir.

16 (Deposition Exhibit 409 was marked for  
17 identification.)

18 Q BY MR. HOLKINS: Mr. Ackerman, you have just  
19 been handed what we are marking as Exhibit 409.

20 A Yes.

21 Q So I will note for the record that this  
22 document was produced by CGCA to the United States in  
23 response to the United States subpoena for documents.

24 Mr. Ackerman, have you seen this document  
25 before?

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1 A I have.

2 Q Were you involved in preparing this document?

3 A I was.

4 Q And it's accurate, to the best of your  
5 knowledge?

6 A Yes.

7 Q Could you confirm that in 2020 and 2021, as  
8 reflected in this document, there were 17 teachers and 18  
9 paraprofessionals at CGCAC -- CGAC?

10 A Correct. Yes.

11 Q And in that same year, could you confirm that,  
12 as reflected in this document, there were six teachers  
13 and seven paraprofessionals at the CGAC center at Jenkins  
14 High?

15 A Yes, sir. For that following year, yes, the  
16 '21/22?

17 Q Sorry. Yes, following year. So let's just  
18 clean this up. So in 2021 and 2022, at Coastal Georgia  
19 Comprehensive Academy center there were ten teachers and  
20 ten paraprofessionals, correct?

21 A Correct.

22 Q In that same year at CGCA, at Jenkins there  
23 were six teachers and seven paraprofessionals, correct?

24 A That is correct.

25 Q The number of teachers and paraprofessionals at

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1 CGCA center decreased from 2020/2021 to 2021/2022,  
2 correct?

3 A Yes. Yes, it did.

4 Q The only reason for that, the opening of the  
5 GNETS wing at H.V. Jenkins?

6 A Oh, yes. Yes, of course.

7 Q Is there any other reason why there were fewer  
8 staff at CGCA center?

9 A Can I just look at the numbers one more time?

10 Q Take your time.

11 A So am I reading this correct, that we had one  
12 less teacher the following year total? 10 -- 16, and we  
13 had 17 the prior year?

14 Q I think that's correct. And so if you add up  
15 the total --

16 A Right.

17 Q -- number of teachers between --

18 A We have --

19 Q -- CGCA and Jenkins, there were 17 in 2020/2021  
20 and then 16 in 2021 --

21 A Right.

22 Q -- 2022, correct?

23 A So -- so -- right. So the difference for  
24 the -- of splitting with the Jenkins but the loss of the  
25 staff, I -- I do believe we did it through attrition with

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1 anticipating the numbers being -- going down.

2 Q Because of COVID?

3 A No. This was because of our Effingham students  
4 not being a part of it, and we knew that the formula  
5 would start providing us with, you know, less funding and  
6 less amount of students as well because we would have a  
7 significantly less amount of students.

8 Q So you cut staff in anticipation of receiving  
9 less money from the State grant?

10 A No, it didn't cut staff. We -- we had no  
11 staff. We -- just through attrition, we didn't rehire  
12 that position, but the anticipation of our -- our  
13 numbers, I guess.

14 Q What do you mean just through attrition?

15 A Through like a retirement. I don't recall that  
16 exact teacher what happened in that, retirement or left  
17 the -- our program.

18 Q A teacher retired, and you just did not rehire?

19 A We just did not rehire, correct.

20 Q So to be clear, the document that we were just  
21 discussing should go in as 409, I believe. So let's go  
22 back to 408.

23 A Okay.

24 Q I'm going to ask you a few more questions about  
25 this one.

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1 A Yes.

2 Q Let's first turn to page 7 and 8 and start with  
3 page 7 of this document, which, again, for the record was  
4 produced by CGCA to the United States in response to our  
5 document subpoena. This shows a staffing pattern for  
6 Coastal Georgia Comprehensive Academy for 2020, correct?

7 A Yes. Correct.

8 Q And is it true that as reflected in this  
9 document, at the time, there was a GNETS school  
10 psychologist funded through the State grant?

11 A It was -- it was funded but we did not have  
12 that position filled.

13 Q So you received funding for the position but  
14 the position was vacant?

15 A That is correct.

16 Q Did CGCA attempt to fill that vacancy in 2020?

17 A We did not.

18 Q Also in 2020 there were five social workers,  
19 GNETS social workers funded through the State grant,  
20 correct?

21 A I -- I do see that. I'm just -- my own brain  
22 is thinking four. I don't know why there is five on  
23 there, but -- but that is what is written here. That is  
24 correct, what's written.

25 Q And this is information that you reported --

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1 A No, I --

2 Q -- to the State?

3 A -- realize that. Yes. Thank you.

4 Q Is it possible that five was the number of  
5 funded positions but four was the number of social  
6 workers --

7 A Perhaps.

8 Q -- employed?

9 A Perhaps, yes. Thank you.

10 Q The document also references three GNETS  
11 special education specialists, correct?

12 A That is correct.

13 Q What is the function of a GNETS social worker  
14 at the Coastal Georgia Comprehensive Academy?

15 A They provide -- they're our liaison to families  
16 and to the -- to our students. They also provide any  
17 kind of opportunity to -- they help us with -- as our  
18 auxiliary staff in interacting with behavioral issues  
19 within the program and then other additional assistance  
20 with transportation and wherever else is -- is required  
21 or needed.

22 Q Are the social worker staff all located on-site  
23 at CGAC?

24 A That is correct, yes.

25 Q Do they ever go out into the community? Let me

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1 rephrase.

2           Do social work -- do social workers at CGCA  
3 ever go to the homes of students enrolled?

4       A Yes, they do.

5       Q For what reason?

6       A Sometimes in that attended situation.

7       Sometimes it's to get some paperwork to a parent or  
8 guardian, get some -- a signature. Just any additional.  
9 Sometimes we have a food pantry to help deliver.

10      Q What are the professional qualifications that  
11 CGCA social workers are required to have?

12      A They are social work techs, so they're --  
13 they're not certified social workers; they are social  
14 work techs.

15      Q What's the difference between a social work  
16 tech and a certified social worker?

17      A The -- I'm not sure the specifics on there, but  
18 there is a -- there is a certification component to that.

19      Q So it's a certification rather than a degree?

20      A That sounds correct.

21      Q For the social work tech?

22      A For the social work tech.

23      Q Are the minimum requirements for social workers  
24 at CGCA set by the State?

25      A No, I do not believe so.

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1 Q So the -- so would the Georgia Professional  
2 Standards Commission have any role in setting minimum  
3 requirements for GNETS social workers?

4 A Not that I'm aware of, no.

5 Q And do all social workers at CGCA have the  
6 requisite certifications?

7 A I apologize?

8 Q So you mentioned that all social workers at  
9 CGCA need to at least have a social work tech  
10 certification?

11 A Correct. They do.

12 Q Do you know whether in fact they have that  
13 certification, all of them?

14 A They do, yes.

15 Q Is this something that you are monitoring  
16 regularly?

17 A Yes.

18 Q Is this something that you report on to the  
19 State?

20 A I don't believe so.

21 Q It's not part of the grant application to the  
22 State?

23 A To supply that, no, I -- it is not.

24 Q Do you report to the -- the district whether in  
25 fact all social workers have the requisite certification

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1 at CGCA?

2 A I believe that it's -- it's part of -- that  
3 it's included in that. Not additional reporting is done.

4 Q Would this be part of the employee performance  
5 assessments that we described earlier, the State-driven,  
6 I think it's TKES program?

7 A It is not.

8 Q Okay.

9 A Yeah.

10 Q I think you did reference, though, as part of  
11 your assessment of performance at CGAC for staff,  
12 determining whether they had their requisite  
13 certifications?

14 A Uh-huh.

15 Q That's something that you do, correct?

16 A Correct.

17 Q But you are not reporting that information --  
18 do you report that information to the district?

19 A To the district.

20 Q But not to the State?

21 A Not to the State.

22 Q What is a special education specialist?

23 A Those are the -- the program managers'  
24 positions that we've talked about, and that was -- that  
25 was the position that I was in at that time.

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1 Q Understood.

2 A One of those three.

3 Q And there is a special education specialist  
4 currently over both the CGAC center and the GNETS wing at  
5 H.V. Jenkins?

6 A Correct. We have one that's the K through 8  
7 and one that's our high school, so we have two program  
8 managers currently. At the time of this document there  
9 were three because we have the Effingham site.

10 Q Right. So that's why it went from three to  
11 two?

12 A Correct.

13 Q Are there certification or degree requirements  
14 in order to be a GNETS special education specialist at  
15 CGCA?

16 A Through the -- through the district, through  
17 the -- our Educational Leadership Tier I certification  
18 and through the State, yes.

19 Q So that's a State requirement?

20 A That is a State requirement.

21 Q And do you report on whether program managers  
22 have that necessary certification to the State?

23 A Through the Georgia Professional Standards  
24 Commission. I'm keeping track through that.

25 Q How often are you reporting to the Georgia

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1 Professional Standards Commission?

2 A Specifically reporting to them, I'm not  
3 reporting to them but receiving information about their  
4 certification status.

5 Q Does that have an annual?

6 A It would be anytime that's -- that's necessary.  
7 I don't know about annually. Perhaps even more than  
8 annually depending on what staff member is getting some  
9 kind of degree or so forth. Minimal annually.

10 Q So let's just quickly fast-forward to page 11  
11 here.

12 A Okay.

13 Q Which shows similar reporting for fiscal year  
14 2021. And just to confirm -- and this is, I think,  
15 consistent with your prior testimony. In FY 2021 there  
16 were four social work technicians funded through the  
17 State grant at CGCA, correct?

18 A That is correct.

19 Q And in FY 2021, as reflected in this document,  
20 there was one special education specialist funded through  
21 the State grant, correct?

22 A I am looking where you are looking, but there  
23 should be down at the bottom there also.

24 Q So I think there may be two total, right?

25 A There is two total.

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1 Q Right. One funded through the State grant, and  
2 one funded through the LEA. Is that what you are seeing?

3 A No. They are both funded through the State  
4 grant.

5 Q Okay.

6 A I think it listed under the administrators.  
7 The format looks a little different than the previous  
8 year.

9 Q So let's just kind of go through this line by  
10 line.

11 A Sure.

12 Q So I'm under Student Support Services, and then  
13 I am looking at the second entry, which is for GNETS  
14 special education specialist. Do you see where I am?

15 A I do.

16 Q And then I am reading across to the right, and  
17 under the State grant, I see the number 1. Do you see  
18 that?

19 A I do.

20 Q And then if I continue on, there is a zero  
21 under federal VI-H or B. There is one under total and  
22 then one under LEA funded for a grand total of two. Do  
23 you see that?

24 A I -- I do.

25 Q And so is your testimony that both special

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1 education specialists were funded by the State grant?

2 A I -- yes. They -- they are.

3 Q Okay. So this is not accurate?

4 A The -- the -- it's listed down below by the  
5 administrators on that, the bottom there, the two from  
6 the State grant.

7 Q I see. Supervisors coordinators?

8 A Right, correct.

9 Q So one of those positions was in fact a special  
10 education specialist?

11 A Yes.

12 Q Okay. Thank you for clarifying.

13 A No, thank you.

14 Q So let's now move to page 14 and 15 which shows  
15 similar reporting for fiscal year 2022. I'll call your  
16 attention to Student Support Services. The reporting  
17 suggests -- and please confirm that this is accurate --  
18 that there were four GNETS social workers funded by the  
19 State grant at CGCA in 2022?

20 A That is correct.

21 Q And then two special education specialists  
22 funded by the State grant at CGCA in 2022?

23 A That is correct.

24 Q Does this document also reflect -- and I'm  
25 looking at specifically reporting for 2022 -- the staffs

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1 that would be funded -- the staff positions that would be  
2 funded by the district?

3 A I'm sorry, please repeat that.

4 Q Oh, of course. Does this reporting also  
5 reflect the staff positions at CGCA that are funded  
6 through the district?

7 A It does not.

8 Q And do you have access to documents that would  
9 reflect the number of district-funded positions at CGCA?

10 A Do I have access to it, yes.

11 Q Do you know at present how many district-funded  
12 positions there are at CGCA?

13 A I do currently this year.

14 Q Currently.

15 A One teacher position, two paras, school nurse,  
16 custodian staff, and any of the cafeteria nutrition would  
17 be supplemented with that through the district. I think  
18 that's it.

19 Q And is that -- has the -- the composition of  
20 the number of staff changed from the -- the district from  
21 last year to this year?

22 A It has not.

23 Q At present, do you have plans to request any  
24 additional district-funded positions at CGCA?

25 A I do not.

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1 Q What does a paraprofessional do?

2 A Our paraprofessionals are support staff for  
3 the -- the teachers within the classroom supplementing  
4 the academic learning, the social skill acquisition,  
5 working on helping de-escalate with behavioral issues.

6 Q Does CGCA have minimum training or  
7 certification requirements for paraprofessionals?

8 A Through the -- the district, through the -- the  
9 hiring process.

10 Q And could you describe what those requirements  
11 are through the district?

12 A I am not really sure exactly the specifics of  
13 what the -- the district requires on that.

14 Q Do you know whether it's a high school degree  
15 is required?

16 A I believe so. I'm not a hundred percent, to be  
17 honest with you.

18 Q Do you know whether any additional education or  
19 training beyond a high school diploma is required to  
20 become a paraprofessional at CGCA?

21 A I do not know. It's just the district clearing  
22 them.

23 Q Do you, as principal, have any role in making  
24 hiring decisions for paraprofessionals at CGCA?

25 A I do.

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1 Q And what are you looking at in determining  
2 whether or not to hire an individual for that job?

3 A Currently I have not actually had to have hired  
4 any paraprofessional since I have been there, but I  
5 certainly would look in their -- their quality to -- to  
6 be able to interact with students, being able to assist,  
7 be cooperative employees.

8 Q Would you expect paraprofessionals to have a --  
9 a professional background in serving children with  
10 behavioral health conditions?

11 A We -- we certainly are encouraged by that, yes.

12 Q But do you expect it?

13 A Do I expect it? Like I said, I haven't hired  
14 anybody at this point. At this point, I probably would  
15 expect that if we were going to be taking on somebody.

16 Q You would want them to have --

17 A Yes.

18 Q -- experience working with kids with complex  
19 behavioral --

20 A Yes, of course.

21 Q Why is that important?

22 A Because we -- we deal with a difficult  
23 population of students. That -- that certainly requires  
24 a lot of good skills.

25 Q What skills in particular does it require?

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1           A Skills at being able to de-escalate, being able  
2 to -- to be calm in situations, be able to think of the  
3 child first and in that capacity.

4           Q What training would you expect a  
5 paraprofessional to receive specifically in order to be  
6 effective in that part of the job?

7           A And so we -- in our -- certainly in our  
8 preplanning, we -- we work with staff on that. They are  
9 all MindSet certified, so they all have their  
10 de-escalation certification and -- and skill set and  
11 being able to manage situations like that. And we train  
12 them in the PBIS team and -- and our supports that we  
13 use.

14          Q So paraprofessionals receive training in PBIS,  
15 correct?

16          A Correct.

17          Q They receive training in MindSet?

18          A Correct.

19          Q Anything else that they receive training-wise  
20 as part of their preparation to do work at CGCA?

21          A We -- I know we had it on one of the documents,  
22 the different areas, but basically all that is  
23 encompassed in the -- the PBIS and the -- the MindSet as  
24 our -- as our minimum.

25          Q Threshold?

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1 A Yes.

2 Q What professional qualifications are CGCA  
3 teachers required to possess?

4 A The same thing. Their -- it's the  
5 certification through the -- we -- we rely on the  
6 district for their -- for their vetting and for their  
7 ability to be eligible to -- to teach.

8 Q Have you reviewed the district's requirements  
9 for the teachers at CGCA?

10 A Have I reviewed? Yes.

11 Q And what -- could you summarize those  
12 requirements?

13 A Sped general curriculum. Special education  
14 general curriculum.

15 Q Can you explain what that means? What -- what  
16 specific training does that provide?

17 A That they have certification in -- in teaching  
18 students with special needs.

19 Q Is that a certification that is provided  
20 through the State?

21 A Yes.

22 Q So I think you said certification and teaching  
23 students with special needs and then certification in  
24 general education. Is that accurate? Those are the  
25 requirements?

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1 A Please repeat one more time.

2 Q Yes. Sure. I -- I think the two  
3 certifications you mentioned for teachers at CGCA are,  
4 one, certification in teaching students with special  
5 needs, and then certification in general curriculum?

6 A Right. It's -- it's the same -- it's the same  
7 degree.

8 Q Understood.

9 A Right.

10 Q Okay. So they are -- they are -- they are  
11 getting certified in -- in both things?

12 A It's the -- like that the -- the students are  
13 on a -- a general curriculum path for like a -- a high  
14 school diploma path, and so teaching students with  
15 special needs that are on a general curriculum path.

16 MR. DENNISON: It's one certification.

17 THE WITNESS: It's on one certification.

18 Q BY MR. HOLKINS: One certification, which is,  
19 as you testified, offered through the State?

20 A Or, yeah, through the State, and -- and  
21 their -- their degrees.

22 Q And do you likewise receive reporting from the  
23 Georgia Professional Services Commission with respect to  
24 that certification?

25 A Yes.

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1 Q On an as-needed basis?

2 A As-needed basis, and certainly the -- the  
3 district keeps up on certifications for all staff.

4 Q And can you testify today that all CGCA  
5 teachers currently possess the required certification?

6 A That is correct.

7 Q And you know that because of the reporting you  
8 get from the Georgia State Professional Standards  
9 Commission?

10 A That is correct.

11 Q Is there a vice principal at CGCA?

12 A No, sir. There is just the two program  
13 managers that kind of act as assistant principals but not  
14 by title.

15 Q Are there counselors employed by CGCA?

16 A Counselors, no, sir, not employed by CGCA.

17 Q So which positions at CGCA would you put under  
18 the umbrella of therapeutic staff?

19 A Honestly, the entire staff because of their --  
20 you know, their training with the -- the MindSet and the  
21 PBIS. It's a therapeutic environment, so I would  
22 consider our entire staff a part of that process.

23 Q Would you consider the custodial staff to be  
24 therapeutic staff?

25 A Honestly, with -- with what their knowledge of

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1 our program, I would include that in a yes, but -- but,  
2 obviously, I cannot state that they serve students from  
3 that perspective.

4 Q What kind of training do custodial staff  
5 receive in order to approach students with a therapeutic  
6 mindset?

7 A They would not. I'm -- that is correct.

8 Q Are you aware of whether social workers at CGCA  
9 are required to meet the -- any requirements set by the  
10 Georgia Department of Behavioral Health and Developmental  
11 Disabilities for behavioral health service providers?

12 A No, they -- I am not aware of anything that  
13 they --

14 Q You have no knowledge of them having to meet  
15 any requirements set by DBHDD?

16 A That is correct.

17 Q Do you have any knowledge of -- with respect to  
18 the special education specialists having to meet  
19 requirements set by DBHDD for behavioral health service  
20 providers?

21 A Not that I am aware of.

22 Q Is that -- that answer the same for any  
23 requirements set by the Georgia Department of Community  
24 Health for Medicaid-enrolled service providers?

25 A Correct.

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1 Q Do you know whether staff at -- any staff at  
2 Coastal Georgia Comprehensive Academy participate in  
3 trainings led by DBHDD for behavioral health service  
4 providers?

5 A I -- our staff -- our social work techs do go  
6 to conferences, but I don't know about specific  
7 trainings.

8 Q Can you describe the conferences you are  
9 referencing?

10 A I -- I cannot recall the name of it. It's the  
11 annual one they do in Savannah in March --

12 Q And it's led --

13 A -- in Chatham.

14 Q Okay. And is this led by DBHDD?

15 A I do not know who it's led by.

16 Q Are you aware of any specific DBHDD trainings  
17 or presentations that staff at CGCA are participating in  
18 on a regular basis?

19 A On a regular basis, no.

20 Q Have there ever been any presentations by DBHDD  
21 staff specifically for CGCA staff on-site?

22 A Not during my time there.

23 Q Not since 1996?

24 A Oh, I -- I don't know about that.

25 Q Since you became principal?

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1 A Since I became principal.

2 Q Have you ever received training directly from  
3 DBHDD?

4 A I have not, no.

5 Q Not as -- not in your time as a behavior  
6 interventionist? Sorry, let me go back. Not as your  
7 time as a teacher?

8 A Correct.

9 Q And not as your time as a program manager?

10 A Correct.

11 Q And not as your time -- not in your time as a  
12 principal?

13 A Correct.

14 Q Have you ever received any training at any  
15 point during your employment at CGCA from the Department  
16 of Community Health?

17 A No.

18 Q Have you ever spoken with anyone at DBHDD?

19 A Not under -- not that I'm aware of.

20 Q Have you ever reviewed DBHDD's program manual  
21 for behavioral health service providers in the state of  
22 Georgia?

23 A No, I have not.

24 Q Have you ever reviewed DCH's program manual for  
25 Medicaid-enrolled providers of behavioral health

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1 services?

2 A I have not.

3 MR. HOLKINS: Let's take a break. Ten, 15  
4 minutes.

5 THE VIDEOGRAPHER: It's 2:04. We are going off  
6 the video.

7 (The deposition was at recess from 2:04 p.m. to  
8 2:21 p.m.)

9 THE VIDEOGRAPHER: It's 2:21, and we are going  
10 back onto the video.

11 Q BY MR. HOLKINS: Mr. Ackerman, when we broke I  
12 was asking you a little bit about potential or any  
13 coordination that's happening between CGCA and various  
14 state agencies. I am curious whether you have ever heard  
15 the name Dante McKay. Does that ring a bell for you?

16 A It does not.

17 Q What about the name Layla Fitzgerald?

18 A It does not.

19 Q Have you ever heard of a person named Ashley  
20 Harris?

21 A I have not.

22 Q Do you know who Judy Fitzgerald is?

23 A I do not.

24 Q What about Frank Berry?

25 A I do not.

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1 Q Have you ever heard of the names Catherine Ivy  
2 or Brian Dowd?

3 A I have not.

4 Q You wouldn't be able to tell me whether any of  
5 those individuals work for DBHDD or DCH or the Georgia  
6 Department of Education?

7 A That is correct.

8 (Deposition Exhibit 410 was marked for  
9 identification.)

10 Q BY MR. HOLKINS: Mr. Ackerman, you have just  
11 been handed what we are marking as Exhibit 410.

12 A Yes.

13 Q Have you seen this before?

14 A Yes.

15 Q Is this a copy of the brochure that is  
16 available at CGCA?

17 A That is correct.

18 Q Page 2 of the brochure identifies a list of  
19 services that are provided at CGCA, correct?

20 A Yes.

21 Q Is this list accurate and up to date?

22 A Please, just one moment.

23 Q Take your time.

24 A That is correct.

25 Q I'm going to ask you some questions about some

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1 of the services identified on this list.

2 A Yes.

3 Q What are individual education plans?

4 A Individual education plans are the -- the  
5 guidance for the students and their educational services  
6 that they are provided through the federal government.

7 Q Who is responsible for completing or working on  
8 individual education plans at CGCA?

9 A The -- the -- the team, to include the -- the  
10 teacher, and certainly our program manager is involved  
11 with that. We have -- and then the additional team of  
12 the IEP includes the -- the guardians or parents. We --  
13 there is a -- personnel from the -- from the general  
14 education setting, as well from the school setting,  
15 and -- and that makes up the team.

16 Q Are the -- is the composition of the IEP team  
17 set by law or is that something that you have flexibility  
18 in determining at CGCA?

19 A There are -- it's set by -- there -- there is  
20 standards of who needs to be a part of it.

21 Q Right.

22 A Yes.

23 Q And for students who are enrolled at CGCA, are  
24 CGCA staff always a part of the IEP team?

25 A Yes.

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1 Q Are you individually always participating in  
2 IEP teams?

3 A Not in every single one of them.

4 Q And what instances wouldn't you be  
5 participating?

6 A Our program manager would always as the -- one  
7 of our program managers would always be in one of the  
8 IEPs.

9 Q So it's going to be either you or one of the  
10 other program managers or sometimes both?

11 A Or sometimes both, correct.

12 Q Okay. Are there specific instances when you  
13 feel like it's necessary for you to join an IEP team  
14 meeting?

15 A Yes, of course.

16 Q What are those?

17 A The certain circumstances? Potentially if --  
18 if there was some contention with -- you know, with a  
19 parent or some forth in -- in that capacity just as a --  
20 as an extra set of ears in there in the IEP.

21 Q What do you mean by a contention with a parent?

22 A Just that a -- a parent is a vocal advocate  
23 and -- and very involved with that, and -- and so it's  
24 just extra support in the -- in the IEP team.

25 Q Support for?

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1 A For the team.

2 Q For the IEP team?

3 A For the IEP team, sure.

4 Q And you feel like that's necessary because the  
5 parents are strong advocates?

6 A Not necessarily with -- with that specific  
7 reason. You were just giving me -- you were --

8 Q Right.

9 A -- just asking for one example.

10 Q That is one example?

11 A That is one example, correct.

12 Q What are the other examples of when you feel  
13 like you would need to join an IEP team meeting?

14 A I'll -- certainly if one of our other  
15 administrators cannot be there, I would feel obligated  
16 to -- to be the LEA in that capacity.

17 Q So I imagine for students enrolled in CGCA  
18 center on Cynthia Street, the program manager for that  
19 program would be participating in the IEP program -- IEP  
20 meeting, correct?

21 A Correct.

22 Q Okay. And then same is true for the H.V.  
23 Jenkins program manager?

24 A That is correct.

25 Q I want to skip down the list to the next one,

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1 ASPIRE, student-led IEP initiative; can you describe what  
2 that is?

3 A Sure. We believe that student participation  
4 within their IEP helps them have a voice in their  
5 direction of how they want their education to go, and so  
6 this initiative has brought us to having all our students  
7 participate in their IEP to some capacity, in whatever  
8 capacity it can be. Obviously, some are able to  
9 participate at a much higher level, but some of them,  
10 even just sending like notification notes to all the team  
11 members to come join. But any -- any -- you know, they  
12 try to share their -- what they -- what their goals are,  
13 what they want to accomplish, and so it's a way of  
14 having -- them having a voice within their educational  
15 future.

16 Q How exactly are students expressing their  
17 preferences as to their educational goals through this  
18 ASPIRE-led initiative?

19 A And -- and that's the great thing about that  
20 program, is that it's very unique based on whatever they  
21 want in whatever capacity. Some of them are -- some of  
22 them do like a PowerPoint presentation, and they have  
23 like things I like, things I dislike, you know, what I  
24 want to do when I get older, you know, et cetera, like  
25 that, what are my goals and so forth. And then we have

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1 some that are less extensive with that, and they are --  
2 they come to the meeting, and they -- they introduce  
3 who's at -- in the room. So it's just a way of  
4 participation, and we try to build and -- and teachers  
5 work with them in preparation for their presentation.

6 Q How did this initiative get started --

7 A The --

8 Q -- ASPIRE?

9 A I -- I -- I am not 100 percent, but I believe  
10 it was a -- a State initiative. I'm not 100 percent on  
11 that.

12 Q Do you receive -- or does CGCA receive funding  
13 to support this ASPIRE initiative?

14 A We do not have any funding for that, no.

15 Q But your understanding is that the -- the  
16 genesis of the idea came from the State?

17 A That is my understanding, yes.

18 Q Do you know or do you recall when CGCA first  
19 started implementing this ASPIRE initiative?

20 A We -- we began maybe seven or eight years ago.  
21 I don't know exact time frame.

22 Q Do you think it's helpful?

23 A I do. I think it's a -- a great way for our  
24 students to have a voice in their future.

25 Q What is the Georgia Standards of Excellence

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1 based curriculum?

2 A That's just the -- the curriculum that we -- we  
3 follow based on the guidance through our district and the  
4 State.

5 Q So you get guidance both from the district and  
6 from the State as to the curriculum at CGCA?

7 A Correct.

8 Q And is this a special education curriculum or  
9 general education curriculum?

10 A It's general education curriculum, correct.

11 THE REPORTER: I think -- did we just lose them  
12 on the Zoom?

13 THE WITNESS: Something happened on the Zoom.

14 THE VIDEOGRAPHER: It's 2:31, and we are going  
15 off the video.

16 (The deposition was at recess from 2:31 p.m. to  
17 2:39 p.m.)

18 THE VIDEOGRAPHER: It's 2:39, and we are going  
19 back onto the video.

20 Q BY MR. HOLKINS: Mr. Ackerman, I think that we  
21 were talking about the Georgia Standards of Excellence  
22 based curriculum when we broke. I think you explained  
23 that this is a general curriculum, not a special ed  
24 curriculum; correct?

25 A That is correct.

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1 Q Okay. Can you explain what embedded social  
2 skills are?

3 A Social skills are the -- learning the -- okay,  
4 let me start over again. Sorry.

5 Learning social skills is a part of our process  
6 that we -- we do with our students because there is a lot  
7 of deficits in some basic social skills and how to do  
8 that, and so we -- we work on their skills and actually  
9 teach them the skill, the social skill. For example,  
10 like, you know, how do you follow directions? You look  
11 at the person and you say okay and do what you've been  
12 asked.

13 So there is like actual steps that they can  
14 learn, so it becomes like a -- a teaching process as  
15 opposed to just an explanation of, you know, this is what  
16 you are supposed to do in this environment and this  
17 environment. It's an actual skill that we learn how  
18 to -- that we teach them.

19 Q What does it mean for that to be embedded?

20 A That we -- we've constantly reinforced that  
21 throughout our program, through our PBIS program.  
22 They -- they earn their points by demonstrating those  
23 social skills throughout the day, and -- and so with  
24 our -- our token economy it becomes -- the social skill  
25 acquisition becomes embedded because we are constantly

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1 being repetitive with it throughout the entire day.

2 Q So students at CGCA practice and develop social  
3 skills as a way to get points?

4 A Certainly. Like our -- our initial, we have  
5 the extrinsic reward to begin with. Truly we -- we hope  
6 that it turns into an intrinsic quality within them; that  
7 they practice it in -- outside of our building, and they  
8 take that with them. But certainly as part of the  
9 process to -- to build that skill, we do provide the  
10 incentive of a -- of the -- the points.

11 Q What is community-based vocational instruction?

12 A That is a -- that's actually through the  
13 district and where students practice community skills, go  
14 out in the community to go ahead and practice job skills.

15 Q Would this be an intervention targeted toward  
16 high school students at CGCA?

17 A Correct.

18 Q Do you know whether any students currently  
19 enrolled at the school-based GNETS program at H.V.  
20 Jenkins are participating in community-based vocational  
21 instruction?

22 A We -- we have like in our entire class, like  
23 classes that are designed for this. During the pandemic  
24 there was a -- a shutdown of the program throughout the  
25 district, but we -- we actually have a -- like a -- a

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1 full class that attends this.

2 Q So does that mean that every student at H.V.  
3 Jenkins at the CGCA program is participating in  
4 community-based vocational instruction?

5 A Not every one of them. We have a couple of  
6 classes that are -- like that's their class, like  
7 their -- their -- they have that on their schedule. It's  
8 actually on their schedule.

9 Q And can you describe some of the activities  
10 that these students are doing in that class?

11 A And this was obviously not last year with  
12 the -- the COVID, but they -- they would get like job  
13 experiences. They'd go to the -- to the mall and -- and  
14 work on helping learn how to clean the tables and so  
15 forth like that, learn the skills with that. They went  
16 to a horse farm. They learned how to take care of the --  
17 the -- the animals there. We were at Goodwill learning  
18 how to build boxes and so forth like that and just --  
19 and -- and so forth.

20 Q So is all of the instruction that's happening  
21 for these classes off-site or is there also an on-site  
22 component?

23 A We have an on-site component. We have our --  
24 our PAES lab where they learn -- P-A-E-S -- where they  
25 learn job skills, and they have like job boxes to work

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1 on.

2 Q What is a job box?

3 A A job box is specifically designated to -- to  
4 develop a particular skill, whether it's involved with  
5 counting, assessing money, processing books or so forth,  
6 and there's -- there's -- the -- the lab has like, I  
7 don't know, 50 or 60 of these job boxes, and the students  
8 work on that to -- to work on their -- their skill sets.

9 Q Is there a curriculum that this program is  
10 based on?

11 A The -- the curriculum -- yes, it's through  
12 the -- the -- I believe it's through the district.

13 Q Do you know whether community-based vocational  
14 instruction is an evidence-based service?

15 A I do believe it is, but I do not have any --  
16 positive about that.

17 Q Are any students at CGCA dually enrolled at  
18 Savannah Tech or Savannah State currently?

19 A At this exact moment, we do not have any at  
20 Savannah Tech.

21 Q And what about Savannah State? Are those the  
22 same institution?

23 A They are two different -- two different  
24 locations.

25 Q And do you have any students currently dually

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1 enrolled at Savannah State?

2 A We do not have at these two locations, but we  
3 do have at a different location that's not listed on  
4 here.

5 Q Which one is that?

6 A We have a student at Savannah High that's doing  
7 dually enrolled there.

8 Q That's a general education high school?

9 A That is, yeah.

10 Q So just one student who is dually enrolled at  
11 H.V. Jenkins in a general education high school?

12 A That is correct.

13 Q Everyone else is full-time at H.V.?

14 A We currently have a couple of students that are  
15 participating in some general ed classes at -- at  
16 Jenkins.

17 Q Okay. So I think you said that the -- you gave  
18 a ballpark estimate of the current enrollment for the  
19 CGCA classrooms at Jenkins is between 35 and 55 students  
20 if I'm remembering correctly?

21 A That would be pretty accurate.

22 Q And of those 35 to 55, you estimated that there  
23 are a few who are participating in general education  
24 classes at H.V. Jenkins, correct?

25 A That is correct.

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1 Q And -- and there is one, to your knowledge,  
2 that is dually enrolled at another high school?

3 A That is correct.

4 Q What are family support services?

5 A The -- the family support services are the  
6 ability for us to connect with our families, provide them  
7 with connections to -- to -- to different services that  
8 are available, a lot to what our social work techs do  
9 where they try to connect them to those.

10 Q So this could be like a referral to a service  
11 that a family may benefit from. Is that what you are --

12 A Not necessarily like a -- a referral but a  
13 connection to the -- the program that's available that  
14 the -- that the program exists.

15 Q So can you just kind of explain functionally  
16 what this would mean and give me an example of the kind  
17 of service that --

18 A Right.

19 Q -- CGCA staff would be connecting families to?

20 A Well, and I -- I thought of a -- a better  
21 example. You know, we do there -- our food pantry, and so  
22 we reach out to the families to -- to support them  
23 through Second Harvest, and -- and so we are the liaison  
24 between them by having our food pantry in our building,  
25 so we provide them with that kind of.

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1 Q Do CGCA staff ever make referrals to community  
2 mental health service providers in the area?

3 A Do we -- do we make the referrals? No, we do  
4 not make the referrals.

5 Q So CGCA staff -- CGCA staff are not  
6 identifying, for instance, that a student may benefit  
7 from a particular behavioral health intervention that's  
8 available through a Community Service Board and then  
9 referring that family?

10 A We do not make the referrals, no.

11 Q Who does make the referrals, if anyone?

12 A It's -- it would be from the -- from the parent  
13 or from the -- the guardian.

14 Q So in other words, it's up to the parent to  
15 figure out what additional behavioral health  
16 interventions their child may need and to seek those out  
17 from a Community Service Board?

18 A Right. And then we will -- we will assist by  
19 giving them names of connectors like who -- who may be a  
20 part of what program and so forth.

21 Q Are you familiar with the Community Service  
22 Board that operates in Savannah?

23 A I am not.

24 Q Do you know what a Community Service Board is?

25 A I do not.

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1 Q The brochure also references OT/PT if  
2 appropriate. Does "OT" mean occupational therapy?

3 A Correct.

4 Q And "PT" means physical therapy?

5 A Correct.

6 Q And how often are students at CGCA receiving  
7 either occupational or physical therapy?

8 A As determined by their IEP and service through  
9 the district.

10 Q Do you have any students currently at either  
11 the CGCA center or H.V. Jenkins participating in  
12 occupational therapy?

13 A We do.

14 Q How many?

15 A I -- I do not know that number.

16 Q Do you have students at either location  
17 participating in physical therapy currently?

18 A We do.

19 Q Do you recall how many?

20 A I do not know the number.

21 Q Are you looking at aggregate data for the  
22 number of students receiving each component service  
23 offered at GNETS -- at CGCA?

24 A I am -- I do not.

25 Q Does anyone -- do -- do any staff at CGCA look

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1 at aggregate data as to utilization of specific services  
2 by GNETS students at your facilities?

3 A For -- for -- specifically for PT and OT, no.

4 Q What about for family support services?

5 A As guided through, I think there is a similar  
6 question in our State grant application that -- that we  
7 supply that.

8 Q So the State grant application requires that  
9 you -- that CGCA report on the number of students  
10 benefiting from family support services; is that  
11 accurate?

12 A There is a similar question. I'm not sure  
13 exactly if it's in those words.

14 Q Are you doing any reporting outside of the  
15 context of the State grant application with regards to  
16 the amount of services being received by students at  
17 CGCA?

18 A No.

19 Q And does CGCA undertake any internal analysis  
20 of patterns of service utilization for students enrolled  
21 at CGCA?

22 A No.

23 Q Mr. Ackerman, we've just handed you what's been  
24 previously marked as Exhibit 8. This is a letter, I'll  
25 represent for the record, from the Robbins Firm, counsel

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1 for the State of Georgia in this matter, to the United  
2 States. Its purpose is to supplement the State's  
3 responses to the United States interrogatories, and it's  
4 specifically including Interrogatory No. 17, which asked  
5 for information about Medicaid available services  
6 available in the state of Georgia.

7 I want to direct you to pages 2 and 3 of this  
8 document, which includes the State's supplemental  
9 response and Interrogatory No. 17, including a list of  
10 Medicaid reimbursable community behavioral health  
11 services.

12 Do you see where I am?

13 A I do.

14 Q I'd like to walk through this list and ask you  
15 a couple of questions about services that may be provided  
16 and accessible to students at CGCA.

17 A Can I take a moment to just look through this?

18 Q Oh, please.

19 A I'm -- I'm not familiar with this at all.

20 Q Please take a moment.

21 A Thank you. I appreciate that.

22 Okay. Thank you.

23 Q Of course.

24 So I'd like to direct your attention to the  
25 State's response under Interrogatory No. 17.

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1 A Okay.

2 Q Are you familiar with the term behavioral  
3 health assessment or BHA?

4 A Vaguely.

5 Q Would you be able to describe what that is?

6 A Probably not in good detail.

7 Q Do you know whether students at CGCA receive  
8 behavioral health assessments?

9 A They do not.

10 Q Let's move to the next page. Are you familiar  
11 with the service identified as individual counseling?

12 A I am not.

13 Q Do students at CGCA receive the individual  
14 counseling service?

15 A They do not.

16 Q Are you familiar with the service identified  
17 here as community support?

18 A No, I am not.

19 Q Do students enrolled at CGCA receive community  
20 support services?

21 A They do not.

22 Q Skipping down, are you familiar with the  
23 service identified here as crisis intervention?

24 A I am not.

25 Q Do students at CGCA receive crisis intervention

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1 services?

2 A They do not.

3 Q Skipping down a few, are you familiar with the  
4 service identified here as diagnostic assessment?

5 A I am not.

6 Q Do students at CGCA receive diagnostic  
7 assessment services?

8 A They do not.

9 Q Skipping down, do you see the service  
10 identified here as family outpatient services-family  
11 counseling?

12 A I do.

13 Q Are you familiar with what that service is?

14 A I am not.

15 Q Do families of students enrolled at CGCA  
16 receive family outpatient services?

17 A They do not.

18 Q Are you familiar with the service identified  
19 here as service plan development?

20 A I am not.

21 Q Do students enrolled at CGCA receive service  
22 plan development services?

23 A They do not.

24 Q Are you familiar with group outpatient  
25 services-group counseling?

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1 A I am not.

2 Q Do students at CGCA receive group outpatient  
3 services or group counseling services?

4 A They do not.

5 Q Are you familiar with parent peer  
6 support-individual services as identified on this list?

7 A I am not.

8 Q Do students at CGCA receive parent peer  
9 support-individual services?

10 A They do not.

11 Q Are you familiar with Intensive Customized Care  
12 Coordination or IC3 as identified here?

13 A I am not.

14 Q Do students at CGCA receive Intensive  
15 Customized Care Coordination services?

16 A They do not.

17 Q Are you familiar with the service identified  
18 here as intensive family intervention?

19 A I am not.

20 Q Do students at CGCA receive intensive family  
21 intervention services?

22 A They do not.

23 Q Are you familiar with peer support services in  
24 any form?

25 A I am not.

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1 Q Do students at CGCA receive peer support  
2 services in any form?

3 A They do not.

4 Q We can set this aside.

5 Are you familiar with the Apex Program?

6 A I am aware of it, yes.

7 Q What is your understanding of the Apex Program?

8 A I -- I am not too familiar with it, but I am --  
9 I recognize it by -- by the name. I know that some of  
10 the other GNETS access it.

11 Q Has CGCA ever accessed services for the Apex  
12 Program?

13 A We -- we have not, no.

14 Q And recognizing you may not know exactly what  
15 it is, but if you were to just attempt to describe what  
16 Apex is, that would be helpful.

17 A Support services.

18 Q Do you know whether those are services that are  
19 specifically provided in school settings versus other  
20 settings?

21 A That I don't know.

22 Q You mentioned that there are other GNETS  
23 programs that have participated in Apex; is that  
24 accurate?

25 A I would assume that's accurate.

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1 Q And which specific GNETS programs, to your  
2 knowledge?

3 A I do not know.

4 Q Are you aware of any specific GNETS programs  
5 currently accessing services through the Apex Program?

6 A I do not, no.

7 Q Have you discussed Apex with any staff at  
8 DBHDD?

9 A I have not.

10 Q Have you discussed Apex with Vickie Cleveland  
11 during the monthly meetings with GNETS program directors?

12 A I do believe it's come up, yes.

13 Q What was discussed when it came up?

14 A I don't honestly recall the -- the information  
15 that was shared on that.

16 Q Was this relating to GNETS program directors  
17 expressing interest in receiving Apex services?

18 A I -- I am really not sure, to be honest with  
19 you.

20 Q Did this happen in the last year?

21 A In -- since -- at -- since I have been there,  
22 yes.

23 Q Since you joined in 2021?

24 A Yes.

25 Q As principal?

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1 A Yes, sir.

2 Q Do you have any opinion as to whether it would  
3 be helpful for students enrolled at CGCA to be able to  
4 access services through the Apex Program?

5 A There is -- there is that potential. I know a  
6 lot of the GNETS programs are -- are serviced through  
7 RESAs and don't have a fiscal agent like we do here, so  
8 the -- so that -- so their needs are a little bit  
9 different than -- than we are.

10 Q Can you explain that to me, the difference  
11 between being serviced through a RESA versus a fiscal  
12 agent?

13 A Right. And -- and maybe not -- service was  
14 probably not the proper word on that, but more so that we  
15 have a lot of accessible resources by having one  
16 district, and -- and so we're able to access the services  
17 within the district.

18 Q As opposed to multiple districts or -- I'm just  
19 trying to understand the contrast with the other GNETS.

20 A Multiple districts would rely more on the --  
21 the services provided by like RESAs.

22 Q So just having one district is helpful for  
23 purposes of accessing services. Is that --

24 A For our particular situation, yes.

25 Q Okay. Are you familiar with the term

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1 Multi-Tiered System of Supports? Are you familiar with  
2 the term Multi-Tiered System of Supports?

3 A Multi-Tiered System of Reports?

4 Q Of Supports.

5 A Of Supports?

6 Q MTSS.

7 A Not -- not really, no.

8 Q Is there an MTSS program at CGCA?

9 A There is not.

10 Q Has there ever been an MTSS program at CGCA  
11 since you joined in 1996?

12 A Not that I am aware of.

13 Q Could you describe the process by which a  
14 student is admitted to receive services at CGCA?

15 A Certainly. It -- it begins with a -- a  
16 referral packet from the -- from the -- through the --  
17 the program manager of the -- the regular -- their  
18 regular school, and they're referred through the packet  
19 there where it's a process of information that is needed,  
20 is required, such as having an IEP, having a BIP, having  
21 different qualifications through there.

22 And then we will send out a -- a person from  
23 our team to go do an observation to add to that, and then  
24 there is -- then the IEP team meets to discuss all the --  
25 the data and the qualifications based on, is this an

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1 emotional component that is driving the behavior? Is the  
2 behavior impacting their academic progress? We're --  
3 we're looking at the -- the -- the data from the  
4 standpoint of, is that -- is their behavior in -- is  
5 their emotional component driving the behavior that's  
6 impeding their academic progress?

7 And then it's the team's decision to go ahead  
8 and determine the least restrictive environment where the  
9 student will be most successful in -- in -- in  
10 progressing in their academics and their -- and their  
11 schooling.

12 Q I think you mentioned a BIP. Is that a -- a  
13 behavioral intervention plan; is that accurate?

14 A Yes, sir.

15 (Deposition Exhibit 411 was marked for  
16 identification.)

17 Q BY MR. HOLKINS: Mr. Ackerman, you have just  
18 been handed what we are marking as Exhibit 411 --

19 A Okay.

20 Q -- for the record. This was produced by CGCA  
21 in response to the United States subpoena for documents.

22 Mr. Ackerman, do you recognize this document?

23 A I do.

24 Q Were you involved in preparing this document?

25 A I was not.

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1 Q But you reviewed it before it was produced in  
2 response to the United States subpoena?

3 A Yes. Oh, I -- I misunderstood the question. I  
4 thought, did -- did I actually create this, this  
5 flowchart? I did not. I did not create this, but I --  
6 yes, I was involved in preparing this for the -- the  
7 subpoena, yes.

8 Q And who was principally responsible at CGCA for  
9 assembling this document?

10 A This is a -- this is through GaDOE.

11 Q Are you specifically referencing the -- the  
12 GNETS rule that's attached to the --

13 A Yes.

14 Q -- document?

15 A Yes.

16 Q Page 1 of the document, is that also through  
17 the Department of Education or was that --

18 A That is not.

19 Q This is something that CGCA created?

20 A Right, as just a statement page.

21 Q Do you know who drafted this page?

22 A Who specifically drafted this page?

23 Q Uh-huh.

24 A I do not recall.

25 Q And this statement page, as you describe,

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1 includes a reference to the GNETS rule which follows?

2 A Correct.

3 Q And that's the same rule that we discussed  
4 previously, correct?

5 A Correct.

6 Q So as you understand it, what entity sets the  
7 entry criteria for admission to CGCA?

8 A The IEP team.

9 Q So that as -- is it your opinion that's  
10 individualized essentially to the student?

11 A Correct.

12 Q Are there mandatory entry requirements or  
13 criteria that apply across?

14 A That mandatory for us to consider for  
placement? Yes. Like, are there -- I'm just trying to  
15 16 rephrase the question.

17 Q Right.

18 A If there -- there is -- yes, there are  
19 mandatory requirements.

20 Q And that would -- I'm trying to understand  
really beyond just whether the -- the requisite documents  
21 22 have been provided, whether there are specific criteria  
in terms of diagnoses or treatment history that have to  
23 24 be satisfied.

25 A No, I'm -- I'm speaking of like they have to

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1 have an IEP, you know, items like that that have to be in  
2 place for us to be considered, and then -- and then based  
3 on the IEP team going over the choice of the least  
4 restrictive environment for their most successful  
5 educational plan.

6 Q And it was your prior testimony that staff at  
7 CGCA, whether yourself or another program manager,  
8 participate in all IEP meetings when considering GNETS  
9 services for a student that may enroll --

10 A Yes.

11 Q -- at CGCA?

12 A Absolutely.

13 Q Are any representatives of alternative  
14 placements outside of GNETS also participating in those  
15 IEP meetings?

16 A In -- in placements meetings, yes.

17 Q And what -- what kinds of alternative  
18 placements would be represented in these meetings for  
19 students that are being considered for entry into CGCA?

20 A Like their -- their home school, their  
21 general education school, where they are getting referred  
22 from, obviously, would be in the meeting for that  
23 process.

24 Q If you scroll to page 3 of this document, it's  
25 the first page of the GNETS rule which is included in

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1 CGCA's response.

2 A Okay.

3 Q Under "Consideration for GNETS Services," do  
4 you see where I am?

5 A Yes, I do.

6 Q Is it fair to say that this describes broadly  
7 the expectations around consideration for GNET services  
8 that apply across the program?

9 A Give me just a quick moment --

10 Q Please, take your time.

11 A -- just to look at that just to make sure.  
12 Thank you.

13 Yes, that is accurate.

14 Q And when I say "across the program," I mean  
15 across all GNETS programs.

16 A That is correct.

17 Q And each individual GNETS program is bound by  
18 these general criteria as established in the GNETS rule?

19 A That is correct.

20 Q And that rule is established by the State?

21 A Yes, as far as I know.

22 Q I think you described a -- a referral packet --

23 A Uh-huh.

24 Q -- as kind of the collection of documents that  
25 help to inform assessment of whether or not a child

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1 should be admitted to GNETS.

2 A That is correct, I did.

3 Q Who at CGCA receives those referral packets and  
4 reviews them initially?

5 A The initial referral goes to our program  
6 manager to -- to look over.

7 Q So depending on whether -- presumably depending  
8 on the -- the grade --

9 A Correct.

10 Q -- of the referred student, it would either be  
11 the program manager at H.V. Jenkins or at CGCA center?

12 A That is correct.

13 Q And what is the role or the function of that  
14 initial review by the program manager once a referral  
15 packet is received?

16 A They look through the packet to -- to make sure  
17 that there is no discrepancies as to what -- what we are  
18 waiting to -- to receive, like make sure that everything  
19 is there; communicate with the -- the program manager who  
20 assisted in the referral and the development of the  
21 packet to go ahead and make sure that we are getting all  
22 the information that's -- that's -- that's required prior  
23 to this; and then they initiate one of our staff members  
24 to go do an observation to start getting some data from  
25 us, as well.

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1 Q And this observation, is that likewise  
2 conducted by the program manager or is that another staff  
3 member that's --

4 A That is another staff member that heads up,  
5 does that.

6 Q Which CGCA staff members are responsible for  
7 the observations?

8 A We -- we actually have a -- a part-time staff  
9 member who has been with our program for a number of  
10 years that -- that works part-time to help us with that.

11 Q And that is the only individual who is  
12 conducting observations at present?

13 A That is correct, at present.

14 Q And what is this individual's name?

15 A David Davenport.

16 Q David Davenport?

17 A Correct.

18 Q What is David Davenport's educational  
19 background?

20 A He was -- I don't know specifically what  
21 degrees he had, but he was -- he was a program -- I  
22 apologize. He was a social worker for us for probably 35  
23 years.

24 Q And Mr. Davenport's role at this point is  
25 limited to assisting with observations for students who

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1 are being considered for enrollment at CGCA?

2 A Correct.

3 Q Can you describe what those observations  
4 entail?

5 A Just a -- a -- classroom settings, observations  
6 of the -- the students interacting with their -- their  
7 peers, with their -- with the staff members there. Just  
8 doing general observation without any kind of  
9 interaction.

10 Q Does Mr. Davenport conduct interviews with the  
11 student as part of the observation process?

12 A He does not.

13 Q Does Mr. Davenport conduct interviews with  
14 parents of the referred student as part of the  
15 observation process?

16 A He does not.

17 Q Does Mr. Davenport conduct interviews with  
18 general education teachers for the referred student as  
19 part of the observation process?

20 A He does.

21 Q And there is general education teachers also  
22 you would expect to be participating in the IEP team?

23 A In the IEP team, right. And so the observation  
24 is just one piece to the -- to every part that we are  
25 getting. We are just getting some additional information

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1 to -- to guide our decision.

2 Q Does the GNETS -- does CGCA have ultimate  
3 authority to deny a request for admission?

4 A We do not have ultimate authority. It's --  
5 it's the entire team's decision.

6 Q What happens if there is a disagreement on the  
7 team?

8 A The -- usually it's brought to a consensus.

9 I -- I assume that eventually it could, you know, be a  
10 due process, I guess, if -- if -- if requested. I have  
11 not been a part of that, where an IEP team has not gone  
12 to that situation with -- with our referrals.

13 Q Have there -- have there been instances where  
14 parents have disagreed with the determination made by an  
15 IEP team about enrolling a student in GNETS?

16 A Yes.

17 Q And what happens in those instances?

18 A As they are a part of the IEP team, they --  
19 they have a very big impact and influence on our ultimate  
20 decision.

21 Q But the IEP team would not defer to the  
22 parents' wishes as a matter of course?

23 A Not exclusively, but -- but certainly we  
24 have -- we have not -- I would say that as a -- in my  
25 role, we have not taking -- taken students that are --

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1 parents are adamantly against our program.

2 Q So you can't recall an instance where a child  
3 was admitted to CGCA over the parents' objections?

4 A Please say that one more time so I can make  
5 sure I answer that right.

6 Q Can you recall an instance where a child was  
7 enrolled in CGCA over the parents' objections?

8 A I -- no, that is correct. I don't -- I cannot  
9 recall.

10 Q When considering whether enrolling a student at  
11 CGCA is appropriate, do CGCA staff consider what the  
12 least restrictive environment for that student is?

13 A Absolutely.

14 Q And what factors into that evaluation of what  
15 the least restrictive environment for a student is?

16 A Where they are going to be academically  
17 successful, where they are going to be safe, and -- and  
18 so we certainly take in those considerations with all  
19 the -- the data that is collected to determine that our  
20 supports would be beneficial to the student.

21 Q Are you considering the full continuum of  
22 educational services when evaluating the least  
23 restrictive environment for a student?

24 A Yes, we are.

25 Q What is the full spectrum of educational

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1 services if you were to describe them?

2 A It -- it depends on the individual and the  
3 individual needs, and it depends on what kind of services  
4 that are currently being provided and what supports have  
5 already been initiated and tried, and -- and then we make  
6 determinations based on that.

7 Q So I want to make use of Exhibit 82, which is  
8 the GNETS rule. I'm not sure if you have that handy. We  
9 are going to set aside Exhibit 411 just for a second.

10 A Okay.

11 Q And this should be in your pile.

12 A Yes, sir.

13 Q It's got a stamp that says 82 at the top. It's  
14 this one here (indicating).

15 A Okay. Great. Thank you.

16 Q And as discussed previously, this is the  
17 State's GNETS rule, which you have reviewed since  
18 becoming principal at CGCA, correct?

19 A I have.

20 Q I want to direct you to pages 3 and 4. Let's  
21 start on page 3, which has a -- a heading that reads,  
22 "Continuum of GNETS Service Delivery and Environments."

23 Do you see that text?

24 A I do.

25 Q And specifically under (4) (c), the document

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1 defines the GNETS continuum of services by environment,  
2 and there are six entries. Do you see that text --

3 A I do.

4 Q -- carrying on to page 4?

5 So is CGCA considering all of these options as  
6 potential least restrictive environments when determining  
7 whether a child should be enrolled?

8 A We do.

9 Q And that would be documented where?

10 A In the IEP team as through the -- who is  
11 attending it, minutes, I would assume.

12 Q So there would be a record of discussion from  
13 those IEP team meetings about these options?

14 A About the options, correct.

15 Q Those options include, in addition to placement  
16 in a general education setting in the zoned school or  
17 other public school, services provided in the student's  
18 zoned school or other public school setting by way of a  
19 pullout from the general education setting for part of  
20 the school day, correct?

21 A That is correct. We have done that.

22 Q And to be -- make sure that I understand, for a  
23 student that is pulled out from a general education  
24 setting for part of the school day, would they be  
25 receiving potentially services at CG -- or going to

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1 school at CGCA for the other part of the day?

2 A That we have done half days to support. Yes,  
3 we have.

4 Q How many students currently at CGCA either at  
5 H.V. Jenkins or at the center are in a pullout?

6 MR. DENNISON: Just for clarity, I mean, you  
7 are talking -- 5 is there for part of the day. I think  
8 we're gonna get just off base as to him saying that 2 is  
9 the pull-out model. I don't think the pull-out model is  
10 GNETS part of the time. I mean, it's number 5, but I  
11 just -- I mean, I just don't know what -- we're going --

12 MR. HOLKINS: Right, right, right, right.

13 MR. DENNISON: We're getting so sideways in  
14 terms of --

15 MR. HOLKINS: I appreciate it. I appreciate  
16 that.

17 Q BY MR. HOLKINS: Okay. So let's -- so number 5  
18 is what we just were discussing, which is in GNETS for  
19 part of the school day and then in some other environment  
20 for the other part of the day?

21 A Thank you. Yes.

22 Q Okay. And so what is number 2?

23 A Perhaps that is like a consultative where we --  
24 where we bring our staff in to support. Let me reread,  
25 please.

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1 Q Please take your time.

2 A Yeah, that -- that would be part of our  
3 consultative, where we would send in potentially a staff  
4 member to -- to assist, to observe or -- or help kind of  
5 support.

6 Q And at present, is CGCA sending staff to  
7 general education schools for -- to perform this  
8 consultation function as you just described?

9 A Currently we do have one.

10 Q Where? At which school?

11 A At Johnson High School.

12 Q So that would be for one of the approximately  
13 35 to 55 students at H.V. Jenkins?

14 A No. This is a -- this is a student that was  
15 never -- was never enrolled in our program.

16 Q Understood.

17 A It's a -- it's another section to what we would  
18 do. We would be consultative services outside.

19 Q Understood. Thank you for the clarification.

20 MR. DENNISON: And just for the record, item 2  
21 is super common in our schools without GNETS involvement,  
22 super common special ed placement. Just rare to have the  
23 GNETS involved in that.

24 MR. HOLKINS: Okay. Thank you, Brian.

25 Q BY MR. HOLKINS: So number 3, "Services

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1 provided in the student's zoned school or other public  
2 school for part of the school day in a setting dedicated  
3 to GNETS," could you describe functionally what that  
4 means?

5 A I would -- my assumption would be that -- that  
6 because of the way our structure is with the site-based  
7 and the -- the wing at Jenkins, I don't think that's --  
8 necessarily would refer to a circumstance that we would  
9 have that maybe other GNETS would be involved in like a  
10 specific classroom in a building at other locations.

11 Q So why does this not apply to H.V. Jenkins, for  
12 example, to the GNETS wing?

13 A And -- and it could, yes, I see that. That is  
14 accurate. That -- that could apply to the Jenkins.

15 Q Okay. So I believe your testimony previously  
16 was that any discussion regarding these options, the  
17 specific continuum of placements as described in GNETS  
18 rule, would be reflected in the minutes for the IEP  
19 team's meeting. Is that accurate?

20 A I would assume. There is a section for it in  
21 the IEP.

22 Q Okay. So let's set aside the rule for a second  
23 and let's go back to 411.

24 MR. DENNISON: And for clarity here, I think in  
25 the IEP there is a discussion of -- there is a pro forma

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1 continuum that's the more general continuum in terms of  
2 the specific GNETS option continuum. There is a general  
3 continuum that they are supposed to consider with LRE and  
4 all IEPs. Anyway.

5 MR. HOLKINS: Let's make this concrete. Can  
6 you hand me one of the referral packets. It doesn't  
7 matter which one.

8 (Deposition Exhibit 412 was marked for  
9 identification.)

10 Q BY MR. HOLKINS: You have just been handed what  
11 we are marking as Exhibit 412. It's a long document.  
12 There is no need to review all of it, but I will give you  
13 a moment to familiarize yourself with what you have got  
14 in front of you.

15 A Okay.

16 Q Just let me know when you are done. Okay.

17 A Sorry.

18 Q No, that's fine. I will note for the record  
19 that this is a document produced by CGCA to the United  
20 States in response to the United States document  
21 subpoena. I will also note for the record that all  
22 references to the student's name, birth date, and other  
23 identifying numbers have been redacted from this  
24 document.

25 Mr. Ackerman, is this an example of a referral

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1 packet for enrollment in CGCA?

2 A That is correct.

3 Q And the first page of the document is a -- a  
4 summary of the disposition of this referral, correct?

5 A That is correct.

6 Q And what was the result of this referral?

7 A That this referral was not resulted in an  
8 enrollment for the -- for the following reasons. Upon  
9 observation, behaviors referenced in the referral for  
10 GNETS. Services lacked the severity, intensity,  
11 frequency and duration to warrant a GNETS placement.

12 Q And that was a determination made by the IEP  
13 team?

14 A That is correct.

15 Q Did you participate in the IEP team?

16 A I was not in on this one.

17 Q Who participated for CGCA? I think you may --  
18 perhaps page 9.

19 A Okay. I do not see a CGCA staff member in  
20 here. Program manager Brad Spear would have been the  
21 district program manager.

22 Q So what was the basis of the -- the  
23 determination here? The referral was not warranted  
24 because the behaviors referenced lacked the severity,  
25 intensity, and frequency or duration that would warrant a

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1 GNETS placement?

2 A Right, and -- and -- and honestly, from -- you  
3 know, from a perspective of just reading this document in  
4 its capacity with this, I -- I do not know the extended  
5 details of a -- of a particular case-by-case with this  
6 particular situation as to all the determinations. I  
7 could make some speculations, but...

8 Q So to your knowledge, no CGCA staff members  
9 participated in the IEP team meeting for this?

10 A To my knowledge, I do not see any of them in  
11 there.

12 Q I want to direct you to page 28, if you --

13 A Okay.

14 Q -- use the pagination at the bottom to find  
15 page 28.

16 A Yes.

17 Q See if that refreshes your recollection as to  
18 whether or not any staff for Coastal Georgia  
19 Comprehensive Academy participated.

20 A And there -- there are no staff from Coastal  
21 Georgia Comprehensive Academy listed in there.

22 Q Okay. Thank you.

23 So stepping away from this particular referral  
24 packet, what is your understanding of the intensity of  
25 behavioral health needs that would be sufficient to

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1 warrant placement in GNETS?

2 A The -- the -- one of the main components that  
3 we're looking for is the emotional component that's  
4 driving the behavior. In other words, it's -- it's not  
5 the -- the emotion is creating the behavior with that,  
6 and so the -- when -- when they are referring to that, I  
7 know in this particular case they were talking about a  
8 student with autism that that's -- while there is a fine  
9 line between what is emotional and what is not emotional,  
10 we would have viewed some of the behaviors. Maybe the  
11 behavior looked exactly the same, but the way they got to  
12 the behavior was that it was -- it was part of their  
13 autism that was creating this behavior.

14 And so our program is designed with the social  
15 skill acquisition with the -- the therapeutic  
16 environment. So we're trying to teach a student better  
17 pathways of going ahead and making decisions to support  
18 their emotion, but if their emotion is what it is and not  
19 going to be -- you know, it's not going to be -- the  
20 social skill acquisition may assist them in that moment,  
21 but it's not going to be a -- a change to their behavior  
22 because it's the emotional component that's driving the  
23 behavior.

24 Q I'm trying to understand how the testimony you  
25 just provided --

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1 A Sure.

2 Q -- connects to intensity. My -- my original  
3 question was about what distinguishes intense social,  
4 emotional, and behavioral challenges from non-intense  
5 social, emotional, and behavioral challenges in your  
6 view?

7 A The -- the intensity of -- perhaps would -- and  
8 once again just, you know, speculating a little bit, the  
9 intensity would involve the academic impact, you know,  
10 the -- is it affecting how they're able to -- to learn  
11 and progress? I am looking at it from that standpoint of  
12 intensity, frequency.

13 Q So is there a specific rubric or standards that  
14 you use when participating in IEP team meetings to assess  
15 the intensity of social, emotional, and behavioral  
16 challenges?

17 A We would -- we would look at the -- the data  
18 provided to us, take a look at the behavior intervention  
19 plan seen, how -- we would look at that, some of the  
20 frequency and the intensity, and list it and so forth, so  
21 we would -- we would access that data to determine.

22 Q So in other words, you would use the material  
23 included in the referral packet to make the assessment of  
24 whether the social, emotional, and behavioral challenges  
25 are sufficiently intense to warrant GNETS enrollment?

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1 A Correct.

2 Q But is there a -- a specific set of criteria  
3 that you are using to guide whether or not that benchmark  
4 is crossed?

5 A No, not a rubric.

6 Q So does this just really boil down to the  
7 instinct, the intuition of the individuals participating  
8 in the IEP team meeting as to whether or not the record  
9 reflects sufficiently intense social, emotional, and  
10 behavioral health challenges?

11 A While that's a component of it, I -- I  
12 certainly think that looking at the -- the -- the data on  
13 the behavior -- and -- and once again, it's very  
14 individualized based on what is this producing. You  
15 know, intensity for one student may be different than  
16 intensity for another student, and that's perhaps why  
17 there is no rubric, because it depends on how it's  
18 affecting them and their outcomes, and so the intensity  
19 level varies.

20 Q So we've got, I think, time enough for just  
21 another break, and why don't we take it now, maybe ten  
22 minutes, and then we'll come back on the record and  
23 finish up.

24 A Sounds good. Thank you.

25 THE VIDEOGRAPHER: It's 3:44. We are going off

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1 the video.

2 (The deposition was at recess from 3:44 p.m. to  
3 3:51 p.m.)

4 THE VIDEOGRAPHER: It's 3:51 and we are back on  
5 the video.

6 Q BY MR. HOLKINS: Mr. Ackerman, you can set  
7 aside Exhibit 412 which we were just discussing.

8 A Okay.

9 Q I want to direct you back to Exhibit 82, which  
10 is the GNETS rule. I think you had it up.

11 A I did.

12 Q Could you turn to page 3 of that document.

13 A Yes.

14 Q I'm going to direct you back to section 4, the  
15 heading that reads, "Continuum of GNETS Service Delivery  
16 and Environments," and specifically subparagraph (a),  
17 which reads in part, "Removal from the general education  
18 setting will occur only when the nature or severity of  
19 students' social, emotional and/or behavioral challenges  
20 are such that education in a general education setting  
21 with the use of supplementary services and intensive  
22 individualized interventions cannot be achieved."

23 Do you see that text?

24 A I do.

25 Q Is that part of the evaluation that you are

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1       undertaking in an IEP team when considering enrollment?

2           A     Yes.

3           Q     What specific supplementary services in  
4       intensive individualized interventions are you  
5       considering as part of that evaluation?

6           A     Whether -- so that's -- that's actually -- that  
7       looks like that's read, like, that's what the school is  
8       providing, like the -- that they are already getting  
9       those services, just like a -- you know, whether they're  
10      inclusion class and self-contained class, those kind of  
11      things.

12          Q     But would you consider as part of the  
13      evaluation of whether to enroll a referred student  
14      whether there are additional supplementary services and  
15      intensive individualized interventions that are available  
16      that the student is not already receiving?

17          A     We would consider those additional services.

18          Q     Okay.

19          A     Yes.

20          Q     And what specific services would you be  
21      considering that the student may not already be receiving  
22      in the general education setting?

23          A     Whatever would be available.

24          Q     I apologize for making you shuffle back and  
25      forth. Can you take a look at Exhibit 8 which is right

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1 on top of that pile.

2 A Yes.

3 Q And I want to direct your attention back to the  
4 services identified on pages 2 and 3 under Interrogatory  
5 No. 17 that we discussed previously.

6 A Yes.

7 Q Do you see where I am?

8 A Yes, I do.

9 Q When you are participating in an IEP team,  
10 considering a referral for a GNETS enrollment, do you  
11 specifically consider whether these services and  
12 interventions would be appropriate and effective in  
13 meeting the student's need in a general education  
14 setting?

15 A We do not.

16 Q You can set aside Exhibit 8.

17 In general, what kind of review is undertaken  
18 of the sufficiencies of services provided at the  
19 student's home school as part of the IEP team review?

20 A I'm sorry, can you please repeat that for me.

21 Q Yeah, let me try that again.

22 A Sure.

23 Q That was a tough one.

24 So I believe that you testified that part of  
25 your evaluation for referred students is of the services,

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1 supplementary services and individualized interventions  
2 that they are receiving in their home school?

3 A Correct.

4 Q And what -- what does the review of those  
5 services look like?

6 A The -- the review is like -- because we're  
7 looking at, are they -- what does their BIP look like?  
8 You know, is their behavior intervention plan, is it --  
9 can it use some revisions? Is there a possibility that  
10 we can change things to make the service -- that we can  
11 still provide other services for them before we get to --  
12 to the most restrictive environment?

13 Q So you would be looking at modifications to the  
14 student's behavioral intervention plan?

15 A Correct.

16 Q Anything else that you would specifically be  
17 considering as part of this review of sufficiency of the  
18 services in a general education setting?

19 A Looking at what other -- what other types of  
20 supports are available at that particular school.

21 Q And what would inform your understanding of  
22 what types of services are available at that particular  
23 school?

24 A The representation from -- from their school  
25 and from the program manager for the district.

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1 Q So you would rely on the representations made  
2 by the general education staff --

3 A Yes.

4 Q -- as to what's available in your own school?

5 A Yes.

6 MR. DENNISON: Just for clarity, I mean, the  
7 program manager participates in the IEP. The program  
8 manager is aware of what services are available  
9 district-wide, just to be clear.

10 MR. HOLKINS: Well, that's your opinion and not  
11 Mr. Ackerman's --

12 MR. DENNISON: Okay.

13 MR. HOLKINS: -- and so...

14 MR. DENNISON: Okay.

15 Q BY MR. HOLKINS: I think you -- I believe you  
16 explained that there was an observation component as part  
17 of the review of a referral packet, correct?

18 A Correct.

19 Q And that observation component includes an  
20 interview with the general education teachers for the  
21 referred student, correct?

22 A Not necessarily, but yes.

23 Q In some cases?

24 A In some cases.

25 Q But not all cases?

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1 A Correct.

2 Q So are there some cases in which the sum total  
3 of material being reviewed and considered when deciding  
4 the outcome of a referral is contained in the packet and  
5 in the discussion between the IEP team members?

6 A I'm sorry, please repeat that.

7 Q Are there instances when the sum total of the  
8 material being reviewed and considered when deciding the  
9 outcome of a referral for a GNETS enrollment is contained  
10 in the referral packet?

11 A Exclusively without an observation?

12 Q Yes.

13 A We -- yes. That has occurred, yes.

14 Q In reviewing the sufficiency of services that  
15 may have been provided at the student's home school as  
16 part of this process, is there any assessment of whether  
17 the appropriate amount, frequency, and duration of  
18 services were delivered?

19 A Certainly, yes.

20 Q And what would you be looking to to assess  
21 whether the appropriate amount, frequency, and duration  
22 of services were actually delivered in the home school?

23 A That the -- that what was being done was  
24 done -- was being done with fidelity, with the -- the  
25 fact that the -- that whatever was placed in the IEP was

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1 being done.

2 Q What do you mean by "fidelity"?

3 A Just that -- that looking at all of the -- the  
4 components of it that -- you know, going back to the BIP  
5 and so forth like that that were being implemented and so  
6 forth and working on that.

7 Q So to make sure I understand, I'm just going to  
8 explain what I think that you testified, and you tell me  
9 if I am wrong. You are looking to see whether the  
10 recommended amount of frequency and duration of services  
11 per the student's behavioral intervention plan has  
12 actually been provided?

13 A And -- and, you know, there's lots of  
14 circumstances that -- that can potentially prevent that,  
15 but we're -- we are looking for that to see that  
16 everything is -- is -- is being done, yes.

17 Q So that's a yes to my question?

18 A Yes.

19 (Deposition Exhibit 413 was marked for  
20 identification.)

21 Q BY MR. HOLKINS: Mr. Ackerman, you've just been  
22 handed what's marked as Exhibit 413. For the record,  
23 this is a document produced by CGCA to the United States  
24 in response to the United States document subpoena.

25 A Yes. Correct.

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1 Q You've seen this before?

2 A Yes.

3 Q Page 2 of this document describes CGCA's  
4 approach to exit criteria for students leaving CGCA,  
5 correct?

6 A Correct.

7 Q Can you explain what is meant by the -- the  
8 text here, that there is no general exit criteria?

9 A That it is all based on the IEP and the team's  
10 assessment of the -- the data. And so there is no  
11 general following of it, of no -- I should -- did not say  
12 that right. There is no general like step one, step two,  
13 step three.

14 Q How often are staff at CGCA assessing whether  
15 or not children enrolled in the facility are ready to  
16 exit?

17 A With our -- our progress monitoring, we're --  
18 we're -- we're paying attention monthly on -- on status.

19 Q Are you having discussions on a monthly basis  
20 with respect to whether or not a child is ready to exit  
21 CGCA?

22 A Not on a regular basis with every student but  
23 when a teacher identifies a student that -- that has  
24 appeared to be so, then we do so.

25 Q So what triggers that discussion is a teacher

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1 saying this child is ready potentially for exit?

2 A Right. Meeting a lot of their IEP goals, doing  
3 well in our -- our PBIS system of -- of their daily goals  
4 and their points and so forth and -- and just in -- in  
5 general looking.

6 Q Is there a requisite number of points that a  
7 child has to achieve before being ready to exit from  
8 GNETS?

9 A No.

10 Q Recognizing your -- your testimony that exit  
11 criteria are individualized, what are common criteria  
12 that are used to determine that a child may be ready to  
13 leave CGCA --

14 A Right.

15 Q -- to a different school?

16 A Per IEP team determining that the student is  
17 sufficiently meeting IEP goals on a regular basis and --  
18 and looking at the continuum going back the opposite  
19 direction that -- that they may be ready for some  
20 different kinds of supports that will still assist them  
21 to be academically successful.

22 Q The response that we're discussing now, which  
23 is page 2 of Exhibit 413, states that, "Exit criteria for  
24 each student includes the following: the target behavior,  
25 data relevant to the target behavior, criteria for target

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1 behavior for consideration of exit from CGCA, data  
2 collection method."

3                   Would all that information be derived from the  
4 child's IEP plan?

5                 A That is correct.

6                 Q And what specific data is being collected to  
7 assess progress toward those goals?

8                 A It -- it -- it is the progress monitoring, and  
9 it's very individualized to what was set up for what data  
10 was being collected for that individual student.

11                Q And is this data that's being collected through  
12 the SWIS system that we described previously or is it  
13 through a separate system?

14               A That is not the same. That's a separate.

15               Q Okay. And so what is the database that CGCA  
16 uses to collect data with respect to meeting IEP goals  
17 sufficient to warrant exit from CGCA?

18               A It's -- it's embedded in the -- in the IEPs.

19               Q It's a part of the ongoing review of the  
20 child's IEP?

21               A Correct.

22               Q And how often are IEP team meetings occurring  
23 for children that are enrolled in CGCA?

24               A They -- they are required annually once a year  
25 at the minimum.

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1 Q And as a matter of course, does CGCA have  
2 meetings more than once a year for students through their  
3 IEP team?

4 A When necessary, yes.

5 Q When would that be necessary?

6 A When we're looking for a potential for a -- a  
7 plan to least restrictive and/or going the other  
8 direction, too, where we're -- we're -- we're -- where  
9 potentially we would have another meeting not on their  
10 annual IEP for placement as well.

11 Q So there would be another IEP team meeting if a  
12 teacher indicated that perhaps the student is -- is ready  
13 for exit based on their progress toward IEP goals?

14 A That's correct.

15 Q Do you, as principal, conduct any oversight  
16 over the determination by teachers that students aren't  
17 sufficiently meeting their IEP goals to potentially  
18 warrant exit from the program?

19 A Oversight in being aware but not in having  
20 a -- a specific criteria.

21 Q Are you ever -- do you ever audit these  
22 assessments by teachers that children are sufficiently  
23 meeting IEP goals to warrant exit from --

24 A Meaning --

25 Q -- CGCA?

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1           A -- am I looking at how they are doing their  
2 progress monitoring? Yes, I will look at their IEPs.

3           Q Have there been times when a teacher has not  
4 identified a student as ready for exit but then you  
5 independently made the assessment that they were based on  
6 your review?

7           A That has not occurred in my time as -- as  
8 principal.

9           Q So what -- what is the purpose of your review  
10 of the teacher's assessment of whether the student is  
11 making -- sufficiently making progress toward IEP goals?

12          A More of a -- a -- a compliance with -- with the  
13 process.

14          Q With what process?

15          A With progress monitoring that they are doing  
16 it.

17          Q That they are essentially checking the boxes?

18          A That they are doing it, that they are -- yeah,  
19 they are actively participating.

20          Q Is it a substantive review of -- of their  
21 evaluations or more so just a kind of procedural review  
22 of whether they are actually filling out the forms?

23          A It's a procedural review.

24          Q Do students have to have a -- a perfect  
25 behavioral record in order to be ready for discharge?

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1 A They do not.

2 Q In the past year, how many students did CGCA  
3 determine were ready to transition to a less restrictive  
4 setting?

5 A I do not know that number off the top of my  
6 head.

7 Q Is it more than ten?

8 A Perhaps at that number.

9 Q Around ten?

10 A Perhaps.

11 Q Certainly less than 20?

12 A I -- I really don't know the -- the -- the  
13 exact number of that.

14 Q Do you have any review authority over the  
15 determination that a children (sic) is ready to exit from  
16 CGCA?

17 A I do not.

18 Q So if you are not participating in that  
19 student's IEP team, then you would have no input as to  
20 whether or not they are ready for discharge?

21 A That is correct.

22 Q Have you had students return to CGCA after  
23 returning to a less restrictive environment?

24 A We have.

25 Q How often has that occurred in the last year?

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1 A I -- I am not sure about that.

2 Q More than five times?

3 A No. Just a couple of times, maybe.

4 Q Do you recall how soon the students returned to  
5 CGCA after going to a less restrictive setting?

6 A I do not.

7 Q Does CGCA have programmatic goals with respect  
8 to exiting students?

9 A We do not.

10 Q Do you have a target length of enrollment?

11 A We do not.

12 Q Does CGCA undertake any analysis as to trends  
13 in exits from CGCA?

14 A In -- in trends?

15 Q Right. Let me try again.

16 As principal, are you analyzing at a system  
17 level when students are exiting from CGCA?

18 A I am not.

19 Q In other words, you are not analyzing at an  
20 aggregate level the amount of time most students are  
21 spending at CGCA before they exit?

22 A I am not doing that.

23 Q When Rincon Learning Center closed, how did  
24 CGCA go about exiting those students?

25 A I'm not sure I -- I follow that.

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1 Q So were there individualized assessments about  
2 what the less -- the least restrictive environment would  
3 be for the students who were leaving the Rincon Learning  
4 Center when it closed?

5 A I honestly don't know what Effingham did with  
6 how they proceeded.

7 Q I think you -- you referenced a -- enCompass  
8 program that's now operating at Effingham, right?

9 A Correct.

10 Q And do you know whether or not that's a program  
11 that's funded in whole or in part by the Georgia  
12 Department of Behavioral Health and Developmental  
13 Disabilities?

14 A I do not know how they are funded.

15 Q Are the criteria for exit from GNETS programs a  
16 topic of discussion in meetings between the GNETS program  
17 directors and Vickie Cleveland?

18 A The topic has come up.

19 Q In what context?

20 A Just, I don't really recall the specifics of  
21 it, to be honest with you.

22 Q Have you ever specifically raised the topic of  
23 exit criteria in one of those meetings?

24 A I have not.

25 Q So I would like to pivot and show some exhibits

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1 via Zoom.

2 A Okay.

3 Q And so we're going to do that in the same way  
4 we have. Are you connected to Zoom?

5 A Yes.

6 Q Got it up?

7 Okay. So you will recall that we discussed the  
8 United States subpoena for inspection of the premises.  
9 We talked about the portion of that subpoena that  
10 referenced the ability to take photos during the  
11 inspection. Do you recall that?

12 A Yes, sir.

13 Q So what I'm going to show you now are all  
14 photos that were taken during the site inspection.

15 A Yes, sir.

16 Q Can you see my screen?

17 A Yes, sir.

18 Q I'm going to zoom in so this is a little bit  
19 clearer. For the record, this is a -- a photo that was  
20 taken during the United States Inspection of Coastal  
21 Georgia Comprehensive Academy in 2022.

22 Mr. Ackerman, do you recognize this document?

23 A I do.

24 Q Is this a -- a floor plan for the CGCA center?

25 A It is.

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1 Q Is it accurate and up to date, to the best of  
2 your knowledge?

3 A It is.

4 Q I first want to direct you to the text on both  
5 sides of the document that says "non-GNETS." Do you see  
6 that?

7 A I do.

8 Q And can you describe what those portions of the  
9 floor plan are?

10 A Those house our -- the LEAP program through --  
11 through the district.

12 Q So can you explain what the LEAP program is?

13 A Learning Enriched Autism Program.

14 Q Does the district staff that program?

15 A The district staffs that program.

16 Q Do you have any oversight as to that program?

17 A I do not to the program.

18 Q Do you have access to that portion of the  
19 building?

20 A I do.

21 Q Do GNETS students have access to that portion  
22 of the building?

23 A They do.

24 Q Do they in fact access these LEAP portions?

25 A They do not. I -- like as far as like they

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1 don't -- what I meant was, the doors aren't like closed  
2 if they walk in there, but they don't -- that's not where  
3 they -- they don't have any services there.

4 Q BOE offices, do you see that text?

5 A I do.

6 Q And what is that?

7 A That's the Board of Education. That's our --  
8 the -- some -- a sped department, as offices are in  
9 there.

10 Q The special education department?

11 A Correct.

12 Q And that's a State office?

13 A No, no, no, district.

14 Q District office.

15 Do you coordinate at all with staff that work  
16 out of that office for the Board of Education?

17 A I do not.

18 Q The floor plan references intensive  
19 intervention rooms which we discussed earlier. Do you  
20 recall that?

21 A Correct.

22 Q How many intensive intervention rooms are there  
23 based on this floor plan?

24 A There is one.

25 Q That's classroom 5, if I am not mistaken?

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1 A Correct.

2 Q Are there therapy rooms in addition to  
3 intensive intervention rooms?

4 A There are therapy rooms, yes.

5 Q How many therapy rooms are there?

6 A There is eight in our building.

7 Q And what's the distinction between a therapy  
8 room and an intensive intervention room?

9 A Intensive intervention room is working on  
10 the -- okay, let me flip that around. The therapy room  
11 is used for the de-escalation, and then the intensive  
12 intervention room is used for after the student is  
13 de-escalated to talk about the social skill acquisition  
14 in -- in returning to class.

15 Q Do students always go from an intensive --  
16 excuse me -- from a therapy room to an intensive  
17 intervention room before returning to the class?

18 A No. Neither is -- each can be exclusive of the  
19 other.

20 Q So what happens -- I think you described the  
21 core function of the therapy room is de-escalation,  
22 correct?

23 A Correct.

24 Q Can you describe what de-escalation means?

25 A De-escalation is the -- the student getting in

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1 a position where they can respond appropriately again,  
2 and they are not -- their emotions are not elevated.

3 Q And I think you referenced previously in the  
4 day training that's specific to de-escalation. Is that  
5 accurate?

6 A That is correct.

7 Q And do your staff at CGCA receive training on  
8 de-escalation?

9 A Yes, they do, MindSet training.

10 Q That's MindSet training?

11 A It's called MindSet training, yes, sir.

12 Q And all staff at CGCA receive that?

13 A That is correct.

14 Q All therapeutic staff, correct?

15 A All staff.

16 Q All staff including custodial staff?

17 A Not including custodial staff.

18 Q Do you see the main entry at the bottom of the  
19 image? I can scroll.

20 A Yes, I see it.

21 Q Is this the -- the entrance through which GNETS  
22 students access the facility?

23 A That is correct.

24 Q Are they dropped off right in front of that  
25 entrance?

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1 A That is correct.

2 Q There is an elementary school that's located  
3 just down the street from the CGCA center, correct?

4 A That is correct.

5 Q That's the Butler Elementary School?

6 A That is correct.

7 Q And you can see it from the front door of  
8 CGCA --

9 A Yes.

10 Q -- center?

11 I'm going to stop sharing my screen and pull up  
12 another image. Just give me one second and I will grab  
13 it.

14 A Okay. Certainly.

15 Q Can you see an image on your screen?

16 A I can.

17 Q I will represent that this is another photo  
18 taken during the site inspection referenced previously.  
19 What are we looking at, Mr. Ackerman?

20 A A therapy room.

21 Q This is an entrance to a corridor, and then  
22 within it there is a -- a door to another space, correct?

23 A The -- the only door is the one that you see  
24 there.

25 Q Okay. There's no door?

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1 A There's no door on the other.

2 Q Okay. So this -- this -- this picture captures  
3 the -- the therapy room, both the -- I'm struggling to  
4 describe this. So there is kind of a landing once you  
5 first walk through, and then there is another internal  
6 space?

7 A Correct.

8 Q Okay.

9 A Right. That's the hallway right there that you  
10 are looking at --

11 Q Right. Okay.

12 A -- from the hallway perspective.

13 Q And so can you describe what would happen if a  
14 student were receiving services in a therapy room? Can  
15 you walk me through the process?

16 A And each one is a -- a little bit different  
17 based on the student. It's been a -- a pre-taught where  
18 students can request to go to a therapy room to step out  
19 of their classroom, talk with a teacher, talk with a  
20 staff member. So often staff will walk in there with the  
21 student and talk about whatever is going on or try to  
22 de-escalate them. And students move into the other one  
23 that is padded. The -- the interior one is padded.

24 Q So the interior room -- and I will show you  
25 another picture.

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1 A Yes.

2 Q -- is padded around it?

3 A Correct.

4 Q Okay. And there is a chair that we are seeing  
5 just outside of the interior room, correct?

6 A That is correct.

7 Q And who sits in that chair typically?

8 A Typically the staff member.

9 Q Staff member. Okay. Is there -- is there a  
10 second chair for the student?

11 A There is not a second chair.

12 Q Why not?

13 A No particular reason on this. I'm not sure why  
14 that -- I mean, with this particular picture.

15 Q Give me one second. I will show you another  
16 image.

17 A Yes.

18 Q Give me one second. I need to clean up  
19 something.

20 So I just want to note for the record, because  
21 I don't think I did this previously, that the map that we  
22 previously discussed, the floor plan for Coastal Georgia  
23 Comprehensive Academy center is Exhibit 414.

24 A Okay.

25 Q I'm going to put that aside.

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1                             (Deposition Exhibit 414 was marked for  
2 identification.)

3                             Q BY MR. HOLKINS: I have now pulled up the image  
4 that we just discussed which shows the entry to the  
5 therapy room and then the interior room, and this will be  
6 Exhibit 415, and I'm going to set this aside.

7                             (Deposition Exhibit 415 was marked for  
8 identification.)

9                             Q BY MR. HOLKINS: Sir, I am now showing you what  
10 we are going to mark as 416.

11                            (Deposition Exhibit 416 was marked for  
12 identification.)

13                            Q BY MR. HOLKINS: Is this the -- an example of  
14 an interior room?

15                           A Correct.

16                           Q So I'm not seeing padding on -- on this room.  
17 Where is the padding?

18                           A It's -- it's -- it's the wall. It is --  
19 it's -- it's like a -- I'm not sure what the material is  
20 called. It's...

21                           Q So the -- the wall does contain padding?

22                           A Like a give, like a -- it's not like the solid  
23 concrete.

24                           Q Is there a cushion?

25                           A Like I said, I don't -- I don't know the -- the

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1 name of the material.

2 Q Is there -- have there been any  
3 renovations/modifications to these interior rooms since  
4 you became principal at CGCA?

5 A Since I became principal, no.

6 Q Have there been any modifications to the  
7 interior therapy rooms since you were a program manager  
8 in 2018?

9 A Not that I am aware of, no.

10 Q To your knowledge, is there any evidence to  
11 support the use of therapy rooms consistent with this  
12 image in de-escalating students with behavioral health  
13 conditions?

14 A To my knowledge, no.

15 Q So I'd like to take a short break, roughly five  
16 minutes, just to go through the rest of my material. I  
17 think we may be ready to wrap up.

18 THE VIDEOGRAPHER: It's 4:25, and we are going  
19 off the video.

20 (The deposition was at recess from 4:25 p.m. to  
21 4:32 p.m.)

22 THE VIDEOGRAPHER: It's now 4:32, and we are  
23 back on the video.

24 Q BY MR. HOLKINS: Mr. Ackerman, you had  
25 described earlier in the day a self-assessment that CGCA

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1 conducts in connection with a strategic plan. Do you  
2 recall that?

3 A I do.

4 (Deposition Exhibit 417 was marked for  
5 identification.)

6 Q BY MR. HOLKINS: We've just handed you what's  
7 been marked as Exhibit 417. This document was produced  
8 without Bates numbers, but I will represent for the  
9 record that the filename for the document as produced by  
10 CGCA is 9-CGCA Word 1 GNETS Strategic Plan Assessment  
11 CGCA FY 2020/2021.

12 I will give you a moment to familiarize  
13 yourself with the document, and let me know when you are  
14 finished.

15 A Okay. We can proceed.

16 Q Thank you.

17 Do you recognize this document as CGCA's  
18 strategic plan self-assessment for FY 2020/2021?

19 A Yes, I do.

20 Q Did you have any role in developing or  
21 reviewing this document?

22 A 2020/'21, I'm just trying to get my years  
23 straight. This -- this was for?

24 Q FY '20 to 2021.

25 A So when was the self-assessment done? Do we

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1 have the date on that? Let me just look.

2 Q So I'll direct you to page 15 --

3 A Okay.

4 Q -- which references a date of August 12, 2021.

5 A Okay.

6 Q Does that refresh your recollection?

7 A Yes. So then I would have been involved with  
8 this one. Yes, correct.

9 Q In fact, on page 15, it says, personnel  
10 completing the summary, David Ackerman.

11 A Okay. Gotcha. Yes, of course.

12 Q Did you have any assistance with completing  
13 this self-assessment outcome and improvement summary  
14 plan?

15 A Yes, our -- our strategic plan team met and  
16 went over the -- the items.

17 Q Who are the members of the strategic plan team  
18 at CGCA?

19 A Do we have it written down who was a part of  
20 that team that year? I do not recall specifically with  
21 that year the entire members of that team.

22 Q Can I direct you to page 3?

23 A Yes.

24 Q This is the introduction.

25 A Uh-huh.

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1 Q Did CGCA draft this text or is this derived  
2 from a template?

3 A That's derived from the template.

4 Q Is that something provided by the Georgia  
5 Department of Education?

6 A It is. Hold on. Let me reread. Sorry.

7 I am assuming so, but I do not know.

8 Q You had no role -- did you make any changes to  
9 this text on page 3 when preparing this report in  
10 August 2021?

11 A I did not.

12 Q You did not?

13 A I did not, no.

14 Q The second paragraph of the introduction reads,  
15 "The revised GNETS strategic plan (1/2020) includes six  
16 focus areas: Program Leadership and Accountability,  
17 Behavior Support" -- excuse me -- "Behavior Support and  
18 Therapeutic Services, Instructional and Academic Support,  
19 Program Funding and Fiscal Management, Integration of  
20 Services and Capacity Building, and Facilities  
21 Management."

22 Do you see that text?

23 A I do.

24 Q Are those focus areas identified by the Georgia  
25 Department of Education?

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1 A That is correct.

2 Q Those focus areas guide the strategic planning  
3 done by the Coastal Georgia Comprehensive Academy,  
4 correct?

5 A Correct.

6 Q Can you describe the steps followed by CGCA in  
7 completing its self-assessment?

8 A We would -- I -- I do not recall specifically,  
9 but I do believe we -- we met a couple of times to  
10 provide the material and express what we were going to do  
11 and gave the team time to look at the information, and --  
12 and we were able to go ahead and look through some  
13 documents and so forth and then re-meet again to discuss  
14 each of the -- the points.

15 Q What specific documents were you looking  
16 through?

17 A Just in any of the -- the evidence to support  
18 like if we had evidence for that -- for that particular  
19 area.

20 Q So let's make this concrete and flip to page 6  
21 under Section 2, Behavior Support and Therapeutic  
22 Services. Let me know when you are there.

23 A I am there.

24 Q Number B or part B is Trauma Informed Care  
25 Practices and Environment, correct?

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1 A Correct.

2 Q The -- under meets the standard, there is an X  
3 next to emerging?

4 A Correct.

5 Q And so that was the self-assessment by CGCA?

6 A That was our assessment, yes.

7 Q What was the basis for that assessment that for  
8 trauma informed care practices and environment, CGCA was  
9 performing at emerging?

10 A We determined that during the -- the -- the  
11 pandemic that we did not follow through with our TIC  
12 trainer, and so we decided that we were --  
13 trauma-informed care trainer, and so we decided that we  
14 were emerging developing other things to go ahead, but we  
15 weren't operational at that time.

16 Q What is a trauma-informed care trainer?

17 A I may have misspoken with specifically what  
18 that is, but it was just an initiative.

19 Q This was an initiative by CGCA?

20 A No.

21 Q By the Department of Education?

22 A I'm not sure who by the State.

23 Q And so there was a time when CGCA was  
24 attempting to work with a trauma-informed care trainer?

25 A We were, yes.

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1 Q You were working with one?

2 A We had started the training process and not  
3 completed it.

4 Q I see. So this was a training program for  
5 staff to become a -- to develop their capacity for  
6 trauma-informed care?

7 A Yes.

8 Q And that training was suspended during the  
9 pandemic?

10 A And -- right. We -- we identified some other  
11 areas that we were addressing, social and emotional  
12 learning and so forth, but we -- we -- we felt like we  
13 were not operational like per required.

14 Q And what are the other ways in which CGCA is  
15 now attempting to develop its capacity for  
16 trauma-informed care?

17 A We are -- we do have a staff member that is  
18 dedicated to getting trained in emotional first aid and  
19 redelivering that to staff members and so forth.

20 Q And who is that staff person who is training  
21 other staff in trauma-informed care?

22 A Brooks Barbaree.

23 Q What is her title?

24 A It's a -- it's a male. He's a --

25 Q Sorry.

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1 A He's a teacher.

2 Q So this is not a social work tech or a special  
3 education specialist, but a teacher; is that correct?

4 A That is correct.

5 Q And to the best of your knowledge, do any  
6 social work techs or special education specialists have  
7 training in trauma-informed care at CGCA?

8 A Not with that title, no.

9 Q Is the only person right now who has training  
10 on trauma-informed care practices the teacher you  
11 referenced?

12 A That I'm aware of, yes.

13 Q I'd like to flip to page 8, entry J, which  
14 reads, "Maintain collaborative partnerships with  
15 community agencies to support integrated mental health  
16 and behavior-related educational services for GNETS  
17 students."

18 Do you see that text?

19 A I do.

20 Q And the self-assessment delivered by CGCA was  
21 emerging, correct?

22 A That is correct.

23 Q What's the basis for that determination?

24 A And -- and that truly was a direct product of  
25 the pandemic where we did not have visitors in any of our

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1 buildings per district requirements, and so when we were  
2 reading the criteria for that, we did not have -- we did  
3 not have as we had in the past.

4 Q So the criteria are listed in the second column  
5 from the right.

6 A Right.

7 Q Correct?

8 "Attend agency meetings, identify opportunities  
9 for agencies to support students in GNETS, collaborate  
10 with agencies for space and/or time to work" --

11 A Exactly --

12 Q -- "with students."

13 A -- yes, sir.

14 Q Okay. And so your assessment was based on  
15 those criteria, the performance was emerging?

16 A Correct.

17 Q And why emerging and not evident?

18 A Operational.

19 Q I'm actually -- why did you decide it was  
20 emerging as opposed to not evident or operational?

21 A As opposed to not evident, because we -- we  
22 know those agencies were still following those students  
23 or supporting but not in our -- at our school site with  
24 that because the students weren't present.

25 Q How did you know that the -- that those

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1 agencies were following the students?

2 A Communication with parents and so forth.

3 Q Is there any regular communication with  
4 external community mental health providers that would  
5 inform whether or not those contacts are occurring?

6 A Yes.

7 Q There is?

8 A There is.

9 Q Which particular providers are you -- are CGCA  
10 staff in contact with?

11 A I'm not -- just a -- like a -- I'm not sure of  
12 specifics like names of -- I think we -- on one of the  
13 documents we had a list of the names that we -- that  
14 we've had.

15 Q Do you specifically coordinate with any  
16 providers of the external community services with respect  
17 to students enrolled in CGCA?

18 A We do not.

19 Q You do not?

20 A We do not. Yeah, I do not.

21 Q And do staff generally?

22 A They do not.

23 Q I think we can set this aside.

24 Mr. Ackerman, I'd like to give you the  
25 opportunity to talk about the strengths of the students

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1 who are enrolled at CGCA. Are there specific things that  
2 you'd like to highlight that are going well for the  
3 students who are enrolled in CGCA currently?

4 A Not much more than just I -- I appreciate that  
5 we -- I really believe in what we do. I know that our --  
6 we provide opportunities for our students that don't  
7 often get the -- the opportunities, and I -- I really  
8 think we provide them opportunities for growth and  
9 achievement and -- and the families that support.

10 Q Could you talk about specific achievements that  
11 you've seen by students enrolled in CGCA?

12 A We -- we -- we have students that come visit us  
13 afterwards that are employed in the -- in the -- in the  
14 city and working, having a family. Those are pretty  
15 good.

16 Q I think we should go ahead and -- and wrap up,  
17 unless there are any questions from counsel on the line.  
18 I don't think there should be, but...

19 MS. JOHNSON: Hey, Patrick, it's Melanie. Do I  
20 hear correctly that you guys need to be out of there by  
21 5:00?

22 MR. HOLKINS: So I -- I think that is the  
23 policy here. I can run and talk to one of the AUSAs and  
24 see whether we can buy some more time if you anticipate  
25 having questions beyond 5 o'clock.

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1 MS. JOHNSON: I have probably 20 -- 20 minutes  
2 or so of questions.

3 MR. HOLKINS: You know --

4 MS. JOHNSON: So I know that's kind of right on  
5 the cusp there.

6 Mr. Ackerman, how are you feeling? Do you --  
7 would you prefer to conduct the State's portion of the  
8 deposition a different day or would you rather try to get  
9 it all done this afternoon?

10 MR. HOLKINS: So, unfortunately, I don't think  
11 we have flexibility. We did just get an e-mail from the  
12 AUSA who has -- who is generously hosting us, and we have  
13 to be out of here by 5:00. And so if you'd like to, you  
14 can try to get through it, you know, right now, Melanie,  
15 or we can schedule a separate time.

16 THE WITNESS: And I'm comfortable with  
17 proceeding.

18 MS. JOHNSON: Okay. Yeah, if you've got to be  
19 out of there by 5:00, I'm a little bit nervous about  
20 trying to squeeze that in there, unfortunately.

21 MR. HOLKINS: That's fine.

22 MS. JOHNSON: So we will have to reconvene.

23 MR. HOLKINS: Okay. We'll reach out to  
24 coordinate that, Melanie.

25 MS. JOHNSON: Thanks.

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1 MR. HOLKINS: Of course.

2 THE VIDEOGRAPHER: It's now 4:46 p.m., and we  
3 are going off the video.

4 THE COURT REPORTER: Does anybody on the line  
5 need a copy of the transcript?

6 MS. JOHNSON: Yes. The State would like an  
7 electronic copy.

8 (The deposition concluded at 4:46 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF GEORGIA )  
3 COUNTY OF DEKALB )

4

5 I, Marcella Daughtry, a Certified Reporter in  
6 the State of Georgia and State of California, do hereby  
7 certify that the foregoing deposition was taken before me  
in the County of DeKalb, State of Georgia; that an oath  
or affirmation was duly administered to the witness,  
DAVID ACKERMAN; that the questions propounded to the  
witness and the answers of the witness thereto were taken  
down by me in shorthand and thereafter reduced to  
typewriting; that the transcript is a full, true and  
accurate record of the proceeding, all done to the best  
of my skill and ability;

11 The witness herein, DAVID ACKERMAN, has  
requested signature.

12 I FURTHER CERTIFY that I am in no way related  
13 to any of the parties nor am I in any way interested in  
the outcome hereof.

14

15 IN WITNESS WHEREOF, I have set my hand in my  
16 office in the County of DeKalb, State of Georgia, this  
13th day of September, 2022.

17

18

19 *Marcella Daughtry*

20 \_\_\_\_\_  
21 Marcella Daughtry, RPR, RMR  
GA License No. 6595-1471-3597-5424  
California CSR No. 14315

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1 United States of America v. State of Georgia  
2 J8479388

3 DECLARATION UNDER PENALTY OF PERJURY

4

5 I declare under penalty of perjury that I  
6 have read the entire transcript of my deposition taken in  
7 the above-captioned matter or the same has been read to  
8 me, and the same is true and accurate, save and except  
9 for changes and/or corrections, if any, as indicated by  
10 me on the DEPOSITION ERRATA SHEET hereof, with the  
11 understanding that I offer these changes as if still  
12 under oath.

13

14 Signed on the \_\_\_\_\_ day  
15 of \_\_\_\_\_ 20\_\_.

16

17

18

19 DAVID ACKERMAN

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1 DEPOSITION ERRATA SHEET  
2 J8479388

3 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_  
4 \_\_\_\_\_

5 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_  
6 \_\_\_\_\_

7 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_  
8 \_\_\_\_\_

9 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_  
10 \_\_\_\_\_

11 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_  
12 \_\_\_\_\_

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